

CONDENSED TRANSCRIPT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff,

vs.

Civil Action No:
2:05CV902-MHT-DRB

AUBURN UNIVERSITY
MONTGOMERY,

Defendant.



DEPOSITION OF

FAYE WARD

June 14, 2006
9:38 a.m.

Auburn University
Human Resources Building
7430 East Drive
Montgomery, Alabama

Bonnie L. Smith, RPR, CCR-B-2432

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<p style="text-align: center;">1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION</p> <p>CYNTHIA ELLISON,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs. Civil Action No: 2:05CV902-MHT-DRB</p> <p>AUBURN UNIVERSITY MONTGOMERY,</p> <p style="text-align: center;">Defendant.</p> <p>~~~~~</p> <p style="text-align: center;">DEPOSITION OF FAYE WARD</p> <p style="text-align: center;">June 14, 2006 9:38 a.m.</p> <p style="text-align: center;">Auburn University Human Resources Building 7430 East Drive Montgomery, Alabama</p> <p style="text-align: center;">Bonnie L. Smith, RPR, CCR-B-2432</p>	<p style="text-align: center;">3</p> <p>1 Deposition of Faye Ward 2 June 14, 2006</p> <p>3</p> <p>4 MR. DODD: This is the deposition of 5 Faye Ward taken by subpoena and notice 6 pursuant to Rules 45 and 30 of the 7 Federal Rules of Civil Procedure for all 8 purposes permitted by those rules. 9</p> <p>10 FAYE WARD, having first been duly sworn, 11 was examined and testified as follows: 12 EXAMINATION 13 BY-MR.DODD: 14 Q. Ms. Ward, we met briefly. I'm 15 Burton Dodd. I represent Auburn University at 16 Montgomery. The purpose of this deposition is 17 to ask you some questions about your 18 involvement in the lawsuit that Cynthia 19 Ellison has brought against AUM. 20 A. Okay. 21 Q. You've been sworn and do you 22 understand that you're under oath to tell the 23 truth during this deposition? 24 A. Absolutely. 25 Q. If you don't understand a question</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES OF COUNSEL 2</p> <p>3 On behalf of the Plaintiff: 4 KAREN SAMPSON RODGERS, ATTORNEY AT LAW 5 McPhillips, Shinbaum & Gill, LLP 6 516 South Perry Street 7 Montgomery, Alabama 36104 8 (334) 262-1911 9 (334) 263-2321 (facsimile) 10 11</p> <p>12 On behalf of the Defendant: 13 BURTON F. DODD, ESQUIRE 14 Fisher & Phillips, LLP 15 1500 Resurgens Plaza 16 945 East Paces Ferry Road 17 Atlanta, Georgia 30326 18 (404) 231-1400 19 (404) 240-4249 (facsimile) 20 bdodd@laborlawyers.com 21</p> <p>22 ALSO PRESENT: Cynthia Ellison, Plaintiff 23 Debra Foster, HR Director 24 25</p>	<p style="text-align: center;">4</p> <p>1 that I ask you, will you let me know so I can 2 try to make it understandable for you? 3 A. I certainly will, sir. 4 Q. And if you don't hear the entire 5 question that I ask also, please let me know 6 so I can repeat it -- 7 A. Okay. 8 Q. -- so you can hear it. If you need 9 to take a break or have a recess of some kind, 10 just let me know and we'll accommodate you. 11 Do you have any medical condition that might 12 interfere with your ability to answer my 13 questions today? 14 A. No, I don't. 15 Q. Did you review anything to prepare 16 for this deposition? 17 A. Just my affidavit that I signed. I 18 looked over it. 19 Q. You've only given one affidavit in 20 this case? 21 A. Right. 22 Q. Did you talk with anyone to prepare 23 for this deposition? 24 A. No, I did not. 25 Q. Okay. Where do you live?</p>



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<p style="text-align: center;">5</p> <p>1 A. I live -- I reside at 5307 Roland 2 Drive, Montgomery, Alabama. 3 Q. You've lived there for some time, 4 have you not? 5 A. I have. 6 Q. How many years? 7 A. Oh, I guess maybe about 30 years. 8 I've retired. I worked here for 18 and I've 9 been at that address. 10 Q. And you are divorced, are you not? 11 A. I am. That's correct. 12 Q. What is -- what is your former 13 husband's name? 14 A. Anthony R. Ward. 15 Q. Does he live in -- 16 A. He lives in Cincinnati, Ohio. 17 Uh-huh. 18 Q. All right. And you have three 19 children, do you not? 20 A. I do. Three sons. Absolutely. 21 Q. And do they live in this area, the 22 Montgomery area? 23 A. One does. The other one lives in -- 24 he just took a job with a company out of 25 Louisville, Kentucky, and he's there. He's a</p>	<p style="text-align: center;">7</p> <p>1 Jenkins. 2 Q. Do either of them work? 3 A. They're retired. 4 Q. Do you have any brothers and sisters 5 in the Montgomery area? 6 A. I do. No, not in the Montgomery 7 area. I have one brother. 8 Q. And where does he live? 9 A. He lives -- resides in Cincinnati, 10 Ohio. 11 Q. Other than your parents, do you have 12 any other family in the Montgomery area? 13 A. Well, you know, cousins, you know, 14 aunts and uncles, but no one close other than 15 that. Why is that necessary? 16 Q. It has to do with jury selection if 17 we ever get to that. 18 A. Oh, I see. Okay. Thank you. 19 Q. I want to know if you have any 20 family members or a witness has family members 21 that might appear on the -- 22 A. Thank you for clarifying it. 23 Q. Certainly. What are the -- if you 24 know, what are the last names of your aunts 25 and uncles?</p>
<p style="text-align: center;">6</p> <p>1 pilot there. My son in Houston, he is a 2 nurse. 3 Q. And what is the name of the son who 4 lives in Montgomery? 5 A. His name is Kory, with a K. 6 Q. Okay. And what does Kory do? 7 A. Kory works at Maxwell Air Force Base 8 in the fitness center and he also works at ASU 9 as a part-time radio announcer. 10 Q. Is he married? 11 A. No, he's not. 12 Q. Okay. 13 A. None of them are. 14 Q. How old is Kory? 15 A. Kory is 31. 16 Q. Other than your -- other than Kory, 17 do you have any other family in the Montgomery 18 area? 19 A. Certainly. My parents, thank God. 20 They're still living, both my mother and my 21 father. 22 Q. And what is your mother's name? 23 A. Her name is Lucy Johnson Jenkins. 24 Q. And your father? 25 A. My father is Ganzell, G-A-N-Z-E-L-L,</p>	<p style="text-align: center;">8</p> <p>1 A. My uncle's name is Johnson, Julius 2 Johnson and Marie Johnson. Cousins are 3 Bruces. Samuel Bruce and Wilma German. 4 Q. Okay. Any other? 5 A. Jenkins, which would be my maiden 6 name. 7 Q. Right. 8 A. Uh-huh. 9 Q. And I assume you have nieces and 10 nephews? 11 A. Well, I have nephews that live in 12 Cincinnati, Ohio. I have one in Cincinnati 13 and one in Columbus. 14 Q. Okay. Any other family members in 15 the Montgomery area? 16 A. Huh-uh. 17 Q. You've got to say no. 18 A. Oh. No. I'm sorry. 19 Q. She can't pick up -- you have to 20 audiblize your -- 21 A. Well, no. 22 Q. Thank you. Do you go to church? 23 A. I do. 24 Q. What church do you attend? 25 A. I'm Catholic. I go to Saint Jude's.</p>



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<p style="text-align: center;">9</p> <p>1 Q. Does Saint Jude run the school you 2 attended as a child? 3 A. They do. 4 Q. Are you involved in any community 5 activities? 6 A. I am. I belong to South Lawn 7 Community Organization. 8 Q. What does that do? 9 A. We are very viable in our community 10 and making sure that if there are complaints 11 we report them to the proper authorities for 12 that. We have cleanups out there. We have 13 activities in the park for the children. I 14 also have coordinated and coordinate a tennis 15 program that I wrote a grant for about four 16 years ago and through bonds, they -- and the 17 mayor's office, they contributed money to me 18 to finance some children to take tennis 19 lessons. Every child can't play football or 20 basketball. I saw the need for that and we 21 have a course out there. So I'm involved in 22 that. My church, I'm involved in 23 organizations there also. 24 Q. Do you hold any positions in the 25 church?</p>	<p style="text-align: center;">11</p> <p>1 and Ruby? 2 A. Well, I mean, we don't have a 3 non-favorable relationship. We just don't get 4 to see each other that often. But she's fine. 5 What do you mean? 6 Q. Are you cousins? 7 A. Yeah, we're cousins. 8 Q. Okay. Other than Ruby, do you have 9 any relatives who are employed or who were 10 formerly employed -- 11 A. At AUM? No, I do not. 12 Q. Have you talked to Ruby about 13 Ms. Ellison's lawsuit? 14 A. Absolutely not. 15 Q. Now, you gave an affidavit to -- 16 strike that, please. To whom did you give the 17 affidavit that you referred to earlier? 18 A. I gave an affidavit to Mrs. Rodgers, 19 Mrs. Ellison's attorney. 20 Q. Does Ms. Rodgers represent you in 21 any capacity? 22 A. No, she doesn't. 23 Q. How did it -- how did you learn of 24 the opportunity to provide an affidavit? 25 A. Mrs. Ellison asked me if I would</p>
<p style="text-align: center;">10</p> <p>1 A. I am the correspondence secretary 2 for the Ladies of Charity organization. 3 Q. Now, you said you -- you process 4 complaints with respect to your community? 5 A. Right. Say, for example, if there 6 are cars parked in driveways that are not 7 being used, we call the proper authorities and 8 they will come out and remove those cars, that 9 kind of thing. 10 Q. I gotcha. 11 A. Okay. 12 Q. Other than your church and that 13 community activity, are you involved in any 14 other organizations in Montgomery? 15 A. No, not really. I did some 16 campaigning. I worked for the legislature 17 part time this year and I also did some 18 campaigning for one of the elected officials. 19 Q. Which official? 20 A. Representative Evan Holms. 21 Q. Do you have any relatives who are 22 currently employed at AUM? 23 A. No. Well, Ruby Jenkins. Ruby 24 Jenkins is a distant relative of mine. 25 Q. What is the relationship between you</p>	<p style="text-align: center;">12</p> <p>1 give one and I told her I would. 2 Q. And then did you go visit 3 Ms. Rodgers -- 4 A. I did. 5 Q. -- in her office? 6 A. I did. I gave her the information 7 and she typed it. 8 Q. And then you signed it? 9 A. I signed it. 10 Q. Have you had any further involvement 11 with Ms. Rodgers or her law firm -- 12 A. No, I have not. 13 Q. -- since giving that affidavit? 14 A. No, I have not. 15 Q. Did you provide Ms. Ellison or 16 Ms. Rodgers with any documents from AUM? 17 A. No, I did not. There was 18 information from -- that I wrote to Mr. Tom 19 Rebel and I have that in my possession. 20 Q. Now, tell me about how you wrote 21 that. 22 A. Okay. I talked with him. I was 23 about to go out for surgery. And he called me 24 one day shortly before then. In fact, it was 25 the last day before I left to go. And he</p>



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<p>13</p> <p>1 asked me if I would put information in 2 writing. And I told him sure. I had no 3 problem with that because I knew I would not 4 be there. I would not be here at the 5 university. In fact, in that last sentence, I 6 told him if he had any questions or any 7 follow-up to that, I would be more than happy 8 to supply him with it. He told me to get that 9 information to Dr. Roger Ritvoe and I told him 10 that I would.</p> <p>11 Q. And did you do that?</p> <p>12 A. I gave it to my clerk to do because 13 the next day I was supposed to be leaving 14 going to the hospital. So I gave it to her. 15 She emphatically -- and I believe she did -- 16 took it and gave it to Roger.</p> <p>17 Q. And you maintained a copy in your 18 possession; correct?</p> <p>19 A. I did. I did. Because I didn't 20 know if he might call me or he might need to 21 talk with me about it and I wanted to make 22 sure that I had the information in front of me 23 that I had supplied to him. Sure, I kept a 24 copy.</p> <p>25 Q. Is that the only reason you kept a</p>	<p>15</p> <p>1 Q. And gave her a copy of it at that 2 point?</p> <p>3 A. I did.</p> <p>4 MR. DODD: Can you mark this one? 5 (Defendant's Exhibit-1 was marked 6 for identification.)</p> <p>7 Q. (By Mr. Dodd) Ms. Ward, here's 8 what's been marked as defendant's exhibit one. 9 I hand it to you and see if you can recognize 10 it, please.</p> <p>11 A. I do.</p> <p>12 Q. What is it?</p> <p>13 A. This is the letter that I sent to 14 Mr. Rebel -- that Mr. Rebel requested and I 15 sent it to Dr. Ritvoe.</p> <p>16 Q. Did you know that Dr. Ritvoe would 17 forward this to Tom Rebel?</p> <p>18 A. I didn't have any reason to believe 19 he wouldn't.</p> <p>20 Q. All right. Was February 18th, 2005, 21 your last day of employment -- last day of 22 full work at AUM?</p> <p>23 A. It was. I went to the hospital the 24 next day. I was preparing to go to the 25 hospital.</p>
<p>14</p> <p>1 copy?</p> <p>2 A. That's the only reason I kept a 3 copy.</p> <p>4 Q. When he asked you to provide him 5 with this document --</p> <p>6 A. Uh-huh.</p> <p>7 Q. -- you were employed by AUM as the 8 assistant director of human resources?</p> <p>9 A. Absolutely. Absolutely.</p> <p>10 Q. And did you know that Tom Rebel was 11 involved in any sort of investigation at AUM 12 concerning any faculty member or employees 13 here?</p> <p>14 A. Well, he did not -- I mean, I 15 understood that because Debra Foster had been 16 in touch with him. So I knew. And, of 17 course, I know Mr. Rebel from the past and 18 working with the university. Sure.</p> <p>19 Q. And you knew he was representing the 20 university in its investigation; right?</p> <p>21 A. Right. Right.</p> <p>22 Q. Okay. How did you come to give that 23 document to Ms. Ellison or her lawyer?</p> <p>24 A. Because when I went to do my 25 affidavit, I showed that to her.</p>	<p>16</p> <p>1 Q. So you remained an employee for some 2 time after that, but you never returned to 3 work after that; right?</p> <p>4 A. Say what? I'm sorry. See, I went 5 on leave and then I came back in July.</p> <p>6 Q. Okay. And then you left --</p> <p>7 A. I had a knee replacement.</p> <p>8 Q. And you left when?</p> <p>9 A. My last day was August 31st. I 10 retired effective September 1st.</p> <p>11 Q. To be able to retire on September 12 1st, you had to give notice, did you not, of 13 at least 30 days prior to that time?</p> <p>14 A. At least 30 to 60 days. Right.</p> <p>15 Q. So your decision to retire was made 16 at least by July 31st?</p> <p>17 A. It was.</p> <p>18 Q. Okay. Ms. Ward, when you left on 19 February 18th for your surgery --</p> <p>20 A. 28th.</p> <p>21 Q. I'm sorry?</p> <p>22 A. I left the 28th. I dated this on 23 the 28th of February.</p> <p>24 Q. I'm just reading this as February 25 18th. Is that incorrect?</p>

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<p style="text-align: center;">17</p> <p>1 A. It should have been -- I thought it 2 was the -- anyway, the last day -- the last 3 day I was here. Maybe it was the 18th. I 4 don't know. 5 Q. Okay. 6 A. But I went to the hospital. I was 7 supposed to go in the hospital later that 8 month, by the end of the first of March. 9 Q. Is this the only document you took 10 with you when you left? 11 A. That's the only document that I took 12 when I left here. 13 Q. Okay. Now -- and you returned in 14 July? 15 A. Uh-huh. I returned the Monday after 16 the 4th -- after we came back from the 17 holiday. 18 Q. Now, between the time you came back 19 and the time you retired on September 1st, did 20 you take any documents? 21 A. No, I did not. 22 Q. So defendant's exhibit one is the 23 only document you took with you? 24 A. That's the only document. And as I 25 stated in my last paragraph, that's the reason</p>	<p style="text-align: center;">19</p> <p>1 for identification.) 2 Q. (By Mr. Dodd) Ms. Ward, here's 3 defendant's exhibit two. See if you can 4 identify that, please. 5 A. Okay. I can. 6 Q. What is it? 7 A. In item three -- 8 Q. Tell me what it is first. Let's get 9 it identified first. 10 A. Oh. Okay. Sure. I do. 11 Q. Tell us what it is. 12 A. I do. It's an affidavit that's 13 signed by me, Faye E. Ward. I signed it on 14 September 20th, 2005. 15 Q. Okay. Now, this is the affidavit 16 you referred to earlier? 17 A. Yes, sir. 18 Q. I want to ask you a few questions 19 about it. 20 A. Sure. 21 Q. At the time you gave this affidavit, 22 did you know that Cynthia Ellison had filed an 23 EEOC charge against AUM? 24 A. Yes, I did. 25 Q. What was the source of that</p>
<p style="text-align: center;">18</p> <p>1 I told him that if he needed to know anything, 2 although I would be hospitalized, he could 3 call me. 4 Q. Did you feel that you were 5 authorized to share outside of AUM a document 6 you prepared for AUM's lawyer at his request 7 that you prepared in your capacity as the 8 director of human resources? 9 A. I was no longer employed here and I 10 certainly didn't see where that was any 11 problem. I gave my affidavit in September. 12 Q. Have you worked since you retired 13 from AUM? 14 A. I did. I did that past year. I 15 worked for the Alabama State Legislature part 16 time. 17 Q. You told me that. 18 A. From January until April. 19 Q. Is that their legislative session? 20 A. Yes, sir. Uh-huh. 21 Q. Have you had any other employment? 22 A. No. 23 MR. DODD: Mark this one, please, 24 Bonnie. 25 (Defendant's Exhibit-2 was marked</p>	<p style="text-align: center;">20</p> <p>1 knowledge? 2 A. Well, I just knew she had filed one. 3 Q. How did you know that? 4 A. Because I worked in the office of 5 human resources. Debra Foster had told me she 6 had filed one. 7 Q. Do you know if at that time she had 8 filed a complaint in Federal Court? 9 A. No, I did not. 10 Q. Do you know if she or her lawyers 11 had threatened to file a complaint in Federal 12 Court? 13 A. No, I did not. 14 Q. Did you know that -- 15 A. In fact -- 16 Q. I'm sorry? 17 A. That's okay. 18 Q. Did you give your affidavit in order 19 to assist Cynthia Ellison and her claims 20 against AUM? 21 A. I did. Because I felt that she had 22 been discriminated against. 23 Q. Is the affidavit complete with 24 respect to your knowledge of Cynthia Ellison's 25 difficulties at AUM?</p>



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<p style="text-align: center;">21</p> <p>1 A. Well, I'm certain there was some 2 other factors involved, but I gave it in as 3 narrative of a form that I could in order to 4 make sure that the points were brought out. I 5 don't know if that's what you mean. 6 Q. Well, you mentioned all the major 7 points that you considered important -- 8 A. Yes, sir. Uh-huh. 9 Q. -- with respect to Cynthia Ellison's 10 difficulties at AUM, did you not? 11 A. Right. I did. 12 Q. And if you felt that anything else 13 was equally as important, you would have 14 included this in your affidavit, would you 15 not? 16 A. Possibly. 17 Q. I'm sorry? 18 A. Yes. 19 Q. Okay. Let's go through it. 20 Paragraph two, you say you were the assistant 21 director of human resources? 22 A. Slash employment manager. Because 23 before I left, titles changed and, of course, 24 the title that I was assigned then was 25 employment manager, which I think no longer is</p>	<p style="text-align: center;">23</p> <p>1 first came here to apply for a position. 2 Q. Is that your signature on the third 3 page? 4 A. Yes, it is. 5 Q. Now, you said you applied to be a 6 secretary; right? 7 A. Uh-huh. 8 Q. You've got to say yes. 9 A. But that was the position that was 10 available. Secretary. Yes. 11 Q. Was that a posted position? 12 A. Yes, it was. 13 Q. Is that how you found out about it? 14 A. Well, I really was not looking for a 15 position over here. I was recommended. And I 16 came over and, of course, I was working when I 17 came here. So when I saw the position, I 18 applied for it as a secretary. I felt that I 19 could move on up into an area of expertise 20 where I had worked and had previous 21 experience. So -- 22 Q. What previous experience qualified 23 you to move up as you say? 24 A. I worked for the Department of Human 25 Resources in Cincinnati, Ohio, for about 11</p>
<p style="text-align: center;">22</p> <p>1 the assistant director of human resource to my 2 knowledge. 3 Q. You go on to say you were in that 4 role from 1988 to August 31st, 2005. 5 A. Well, I came to work at AUM in 1988. 6 However, when I came here, I was a secretary. 7 I applied for a secretarial position. My 8 boss, she promoted me within a year's time. 9 And I was assistant director of human 10 resources. 11 Q. After a year as a secretary? 12 A. Uh-huh. 13 Q. Okay. You've got to say yes. 14 A. Yes. 15 Q. And you were the assistant director 16 of human resources for 17 years. Is that 17 about right? 18 A. Right. That's correct. 19 (Defendant's Exhibit-3 was marked 20 for identification.) 21 Q. (By Mr. Dodd) Ms. Ward, here's 22 what's been marked as defendant's exhibit 23 number three. See if you can identify that 24 for me, please. 25 A. Yes. It's an application when I</p>	<p style="text-align: center;">24</p> <p>1 years prior to coming here to Alabama. 2 Q. Is that the Hamilton County Welfare 3 Department? 4 A. That's true. 5 Q. And you call that the human 6 resources department? 7 A. Well, it was human resources 8 included in that. 9 Q. Was that your job as a human 10 resource manager? 11 A. No. I was a social caseworker 12 there. But, I mean, we dealt with cases and 13 situations similar. I mean, it all goes 14 together. Human resources, working with 15 people, all of that aligns itself together. 16 So I guess the director thought that my 17 experience there would help me to qualify to 18 apply for this job, yes. 19 Q. Now, which director? 20 A. The previous director. The lady 21 that hired me. 22 Q. You guess that she thought your 23 experience -- 24 A. Well, she did. I mean, she went 25 through this apparently.</p>



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<p style="text-align: center;">25</p> <p>1 Q. Well, that's a guess on your part, 2 is it not? I mean, that's what you said. 3 A. Well, it's a fact that she hired me 4 because of my experience. 5 Q. But you had many other 6 experiences -- employment experiences rather 7 than -- other than with the Hamilton County 8 Welfare Department, did you not? 9 A. I did. I did. 10 Q. Let's go through them. 11 A. All right. 12 MS. RODGERS: Question. The resume 13 that you're -- is this still part of the 14 application for employment packet or is 15 it a different exhibit? 16 MR. DODD: It's one document. 17 MS. RODGERS: Okay. 18 Q. (By Mr. Dodd) Let me ask you a 19 little bit about your schooling first, 20 Ms. Ward. 21 A. Sure. 22 Q. And you received your undergraduate 23 degree from Alabama University -- 24 A. I did. 25 Q. -- in 1967 --</p>	<p style="text-align: center;">27</p> <p>1 Q. In 2001? 2 A. Because I was asked if I wanted to 3 apply for the position. And I said no. 4 Q. And you said no because you didn't 5 consider yourself qualified? 6 A. No. It wasn't because I wasn't 7 qualified. When the interim -- I served as 8 interim director when the director left. It 9 wasn't because I doubted my capabilities of 10 doing the job that I was doing. Not at all. 11 I just -- I was going to look at 12 retiring in a few years, maybe four or five 13 years up the road. I thought maybe bringing 14 someone new in that would help to bring better 15 and newer -- well, newer ideas to the table 16 would also help me to work with Ms. Foster in 17 bringing about some changes and doing some 18 things here that I wanted to do. 19 No, I don't think for a minute that 20 I was not unqualified to do the job that I was 21 doing. No, I do not. 22 Q. But, nonetheless, you elected not to 23 apply for that job? 24 A. I didn't. No, I didn't. 25 Q. And you said earlier that your lack</p>
<p style="text-align: center;">26</p> <p>1 A. I did. 2 Q. -- with a bachelor of science degree 3 in business administration? 4 A. In economics. Exactly. 5 Q. And a minor in economics; right? 6 A. Right. 7 Q. Now at Alabama State, did you take 8 any courses in human resources management? 9 A. I had some social work classes, 10 sure. 11 Q. Well, did you take any courses in 12 human resource management? 13 A. No, I didn't. 14 Q. By the time you graduated from 15 Alabama State, did you have any experience 16 whatsoever in human resources management? 17 A. No, I didn't. 18 Q. Did you have any training in equal 19 employment opportunity? 20 A. No, I didn't. That's why I didn't 21 apply for the position when it was posted. 22 Q. Now, which position are you 23 referring to now? 24 A. The one that Ms. Foster applied for 25 and received.</p>	<p style="text-align: center;">28</p> <p>1 of training in equal employment opportunity 2 was one reason you did not apply? 3 A. The position is a dual position. 4 It's a director of human resources/EEO 5 affirmative action person. And at that time, 6 the chancellor said that she could not afford 7 to divide the position and that it would have 8 to be -- it would have to go as director and 9 EEO. I don't have any experience at EEO, 10 affirmative action. So that was my main 11 reason why I didn't apply for the job, not 12 because I didn't think I was capable to do it. 13 I'd had some very good training since I've 14 been here and think I did a pretty good job. 15 Q. Okay. All right. Let's look at 16 your work history. 17 A. Sure. 18 Q. It looks like you worked from 1968 19 to 1977 at the Hamilton County Welfare 20 Department. 21 A. I did. 22 Q. Right. 23 A. In Cincinnati, Ohio. 24 Q. And what was your primary duty 25 there?</p>



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<p style="text-align: center;">29</p> <p>1 A. I was a social caseworker. I went 2 out. I visited families. Sometimes I had 3 to -- I worked with ADC mothers. I had to 4 abide by the laws and the rules and 5 regulations that the state of Ohio had 6 interjected. I had to go out and make people 7 eligible for food stamps, if they were 8 eligible for that. I had meetings to go to, 9 sometimes we had to get judgments where we had 10 to go into homes and take people's children. 11 So there were a multitude of things that we 12 did. 13 Q. Did you have any human resources 14 responsibilities with respect to other 15 employees in the Hamilton County Welfare 16 Department? 17 A. No, I did not. 18 Q. All right. Now, after that job, you 19 worked from 1979 to -- 20 A. I moved to Alabama and I worked for 21 the Montgomery Police Department. 22 Q. And what was your job there? 23 A. I was a complaint clerk. I worked 24 on the desk. 25 Q. And what were your primary</p>	<p style="text-align: center;">31</p> <p>1 met. And, of course, they talked about the 2 different concerns and opportunities and 3 biddings for his company. 4 Q. Did you have any human resources 5 responsibilities as the office manager in that 6 job? 7 A. No, I didn't. 8 Q. Now, after that, it looks like you 9 worked for the house of representatives -- 10 A. I did. 11 Q. -- in Montgomery? 12 A. I did. 13 Q. Is it fair to say off and on for 14 several sessions? 15 A. Several. Yeah, I did. For about 16 five or six years. 17 Q. What was your job there? 18 A. My job was to assist the 19 representatives by pulling bills, going out to 20 the house, making sure that information that 21 was going to be discussed on a calendar for 22 that day was put in place, to help the 23 children that came to work for us as clerks, 24 to go out there and to make sure that they 25 were following the guidelines for what they</p>
<p style="text-align: center;">30</p> <p>1 responsibilities? 2 A. If anyone called in with a 3 complaint, I had to code a card, send it to 4 the dispatcher, be very diplomatic about it, 5 be very calm about it. Because there was 6 oftentimes a robbery or something in process. 7 So that gave me a lot of experience. In fact, 8 they wanted me to stay there because I was 9 able to deal with the public. 10 Q. Did you have any human resources 11 responsibilities with respect to employees of 12 the Montgomery Police Department in that job? 13 A. No, I didn't. 14 Q. The job after that was with W.J. 15 Rhodes Construction Company? 16 A. Right. 17 Q. From April 1980 to February 1981? 18 A. Yes. I was an office manager there. 19 Q. What did you do as an office 20 manager? 21 A. I maintained the office. I answered 22 the phone. I did payroll. I did -- I went to 23 attend business lettings for him in the 24 office-type manager. They were held once a 25 month. People from all over the state, we</p>	<p style="text-align: center;">32</p> <p>1 were supposed to do as far as assisting 2 representatives upon their request. 3 Q. And your resume describes your job 4 title as a clerk/typist receptionist? 5 A. Right. 6 Q. Is that accurate? 7 A. That's accurate. 8 Q. In your job in the house of 9 representatives, did you have any human 10 resources responsibilities? 11 A. No, I didn't. 12 Q. Okay. Now, your job after that was 13 with -- 14 A. Was Striping Construction. 15 Q. From 1984 to 1985 with Quality 16 Striping and Construction? 17 A. Uh-huh. It was still 18 construction-type office manager there. 19 Q. Your job title and your resume shows 20 secretary/office manager? 21 A. That's right. 22 Q. What did you do in that position? 23 A. Basically the same thing. Kept the 24 office, did payroll, answered the phone, took 25 messages, went to meetings in the absence of</p>



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<p style="text-align: center;">33</p> <p>1 the manager.</p> <p>2 Q. Did you have any human resources</p> <p>3 responsibilities?</p> <p>4 A. No, I didn't.</p> <p>5 Q. And after that job, you worked for</p> <p>6 about a year at --</p> <p>7 A. Alabama State.</p> <p>8 Q. -- Alabama State as a secretary?</p> <p>9 A. I did. To the dean in the College</p> <p>10 of Education.</p> <p>11 Q. And then after that, you worked for</p> <p>12 the Montgomery --</p> <p>13 A. Montgomery County Commission. Then</p> <p>14 I came here.</p> <p>15 Q. Now, what was your job --</p> <p>16 A. Probate -- I was a clerk there. I</p> <p>17 worked there in the probate office.</p> <p>18 Q. Did you have any human resources</p> <p>19 responsibilities there?</p> <p>20 A. I didn't.</p> <p>21 Q. Now, attached to your application</p> <p>22 for employment in defendant's exhibit three is</p> <p>23 what appears to be your resume. Is that</p> <p>24 accurate?</p> <p>25 A. At that time, yes. It's changed</p>	<p style="text-align: center;">35</p> <p>1 two that talk about your job duties; right?</p> <p>2 A. Right.</p> <p>3 Q. Are those your main -- the main</p> <p>4 duties you had in your job as assistant</p> <p>5 director?</p> <p>6 A. They were.</p> <p>7 Q. And was that as of --</p> <p>8 A. The time I left.</p> <p>9 Q. All right. In your affidavit, have</p> <p>10 you left out any significant job duties for</p> <p>11 which you had responsibility?</p> <p>12 A. Well, no, I think this just about</p> <p>13 covers everything that I did.</p> <p>14 Q. The reason I ask that is because in</p> <p>15 paragraph two you say part of my job duties</p> <p>16 included, but is not limited to, the</p> <p>17 following. And I'm concerned -- or, I'm</p> <p>18 interested in what job duties you may not have</p> <p>19 included there.</p> <p>20 A. Well, you can strike the part of.</p> <p>21 Those were my job duties.</p> <p>22 Q. Okay.</p> <p>23 A. And others as assigned. But, of</p> <p>24 course, mine was just basically what I've got</p> <p>25 listed here is what I did.</p>
<p style="text-align: center;">34</p> <p>1 since then, but this is it.</p> <p>2 Q. All right. The resume you submitted</p> <p>3 to AUM in 1987?</p> <p>4 A. Right.</p> <p>5 Q. And everything on that resume is</p> <p>6 correct, is it not?</p> <p>7 A. It is. What's the big difference in</p> <p>8 human resources experience and the experience</p> <p>9 that I've had here? Human resources is</p> <p>10 knowing how to deal with people. You read</p> <p>11 guidelines and you try to abide by them.</p> <p>12 What's the difference?</p> <p>13 Q. Is there anything else -- is there</p> <p>14 anything else involved in human resources</p> <p>15 other than reaching out to people?</p> <p>16 A. Sure, it is. It's to make sure that</p> <p>17 things are properly -- situations are properly</p> <p>18 handled and carried out.</p> <p>19 Q. Is there anything else involved?</p> <p>20 A. There's a lot more involved.</p> <p>21 Ms. Foster can tell you that.</p> <p>22 Q. Let's talk about the job duties that</p> <p>23 are identified in your affidavit.</p> <p>24 A. Okay.</p> <p>25 Q. You got five subparts in paragraph</p>	<p style="text-align: center;">36</p> <p>1 Q. What you've got listed in paragraph</p> <p>2 two is an accurate and complete category of --</p> <p>3 categorization of your job duties?</p> <p>4 A. Of what I did, yes.</p> <p>5 Q. All right. Let's look at</p> <p>6 subparagraph A. You say your job duties</p> <p>7 included to manage the recruitment and</p> <p>8 employment process for AUM. All right. What</p> <p>9 does that mean?</p> <p>10 A. That means that I was in charge of</p> <p>11 interviewing applicants for positions after</p> <p>12 there were postings for a job. We had to post</p> <p>13 the position when it became available. My</p> <p>14 clerk would post it. It would be open for a</p> <p>15 number of days. After that, we referred</p> <p>16 applicants to the respective department.</p> <p>17 And, of course, I had an applicant</p> <p>18 flow tracking which gave a breakdown and that</p> <p>19 was basically done for the EEO officer. I had</p> <p>20 to send a breakdown of the people that applied</p> <p>21 for a position by sex and race. And that</p> <p>22 was -- that was part of that process.</p> <p>23 And after the position was filled,</p> <p>24 after we made the referrals, then I met with</p> <p>25 the person or individual that was hired and I</p>



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<p style="text-align: center;">37</p> <p>1 did a benefit interview with them. 2 Q. Okay. We're down in subparagraph B 3 now, aren't we? 4 A. Yeah. Uh-huh. Uh-huh. 5 Q. Okay. So subparagraph A talks about 6 the -- 7 A. The screening. 8 Q. -- filling of positions at AUM? 9 A. And interviewing if there was an 10 applicant that came in. Most of the time I 11 tried to always talk to applicants who were 12 applying. But, of course, there was just so 13 many sometimes because of the vast number of 14 applicants who applied, I just did not have 15 the time to go into that. But I tried to do 16 that as often as I could. And then we would 17 refer them to the respective department that 18 was hiring. 19 Q. It sounds to me like you're talking 20 about there are certain procedures in place 21 here that you have to follow in terms of 22 posting positions, bringing people in, filling 23 positions, getting them interviewed and that 24 sort of thing. 25 A. There was always a process that we</p>	<p style="text-align: center;">39</p> <p>1 out five percent, of course, of our gross 2 income that went into the retirement system of 3 Alabama. We had other -- like a voluntary 4 retirement that they could join which was 5 optional. The mandatory retirement was not. 6 So that took every bit of 30 to 45 minutes for 7 me to complete an interview with the 8 individuals. 9 Q. For each person? 10 A. For each person, yes. And I also 11 did for faculty and staff. 12 Q. I imagine you had to explain a lot 13 of that to them, did you not? 14 A. I did. I did. Absolutely. I could 15 not afford to push a packet in front of them 16 and tell them to go for it. I had to sit 17 there and go through it with them because that 18 helped me to get them on. Because it gave 19 them a better understanding. 20 Q. Now, is this the opportunity where 21 they had to make their income tax withholding 22 elections and that sort of thing as well? 23 A. They did. They did. They did that. 24 That was handled before it got to me. They 25 did the I-9 and the taxes and that was -- then</p>
<p style="text-align: center;">38</p> <p>1 used, sir. 2 Q. Okay. 3 A. It was hard not to. 4 Q. And you tried to follow that process 5 as best you can; right? 6 A. I do. I did. 7 Q. All right. Let's look at B. 8 A. Okay. 9 Q. Subparagraph B. 10 A. Okay. 11 Q. Met individually with all new hires 12 for explanation of payroll and benefit 13 information. 14 A. Okay. 15 Q. Tell me what that means. 16 A. Okay. When anyone was hired, they 17 had to come to my office and I would do a 18 process of benefits. I made a packet of 19 information for them. I explained the 20 benefits to them. They signed up for those 21 they wished to have, those that they didn't 22 want to, like the health insurance, the dental 23 insurance. We all had to participate in 24 teachers' retirement. There was no option to 25 that. We had to do that. And they would take</p>	<p style="text-align: center;">40</p> <p>1 the clerk would bring that in to me for me to 2 actually have my interview with the person. 3 Q. Okay. Now, did you have primary 4 responsibility for meeting with the new 5 employees and going over this with them? 6 A. I did. I did. That was almost 7 always my job since I was in that position. 8 Q. And you had the primary 9 responsibility for managing the recruitment 10 employment process, too, as well? 11 A. Well, yes, because every time we 12 posted a job, we had to get it out to the 13 proper places. We had to list it with the 14 State employment service. We put it on the 15 job line. And it was my responsibility, but, 16 of course, I could delegate that to my clerk 17 to make sure that she did that and it was done 18 in a timely manner. 19 Q. Look at subparagraph three. 20 A. Okay. 21 Q. It looks like this talks about 22 explaining the various policies that AUM had 23 in place for its employees beyond payroll and 24 benefits; right? 25 A. Uh-huh.</p>



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<p style="text-align: center;">41</p> <p>1 Q. You've got to say yes.</p> <p>2 A. Yes. Yes. Yes.</p> <p>3 Q. Okay. Would you have -- how would</p> <p>4 you fulfill that obligation? You say you</p> <p>5 provided information and assistance. Did you</p> <p>6 give them a packet of information?</p> <p>7 A. Okay. On-the-job injuries, we</p> <p>8 had -- we had -- we had a program. And, of</p> <p>9 course, if people called and they wanted</p> <p>10 information, we just gave them the forms.</p> <p>11 And, of course, before I left, they</p> <p>12 started a new procedure that -- there was a</p> <p>13 procedure for like on-the-job injuries. They</p> <p>14 would call. We now give them a number to call</p> <p>15 and they talk to the person there to report an</p> <p>16 on-the-job injury.</p> <p>17 Q. Okay. What I'm trying to find out,</p> <p>18 though, is this something that you did at the</p> <p>19 beginning of somebody's employment?</p> <p>20 A. No, no.</p> <p>21 Q. Or was this your responsibility</p> <p>22 throughout their employment whenever they had</p> <p>23 a question?</p> <p>24 A. No. If someone -- I mean, we told</p> <p>25 them about it. If you have, you know, an</p>	<p style="text-align: center;">43</p> <p>1 planned and conducted/coordinated various</p> <p>2 employee programs ranging from --</p> <p>3 A. New employee orientation.</p> <p>4 Q. -- to driver education training.</p> <p>5 Tell me a little bit about what that means.</p> <p>6 A. Okay. The driver education means</p> <p>7 that everyone that drove a State vehicle had</p> <p>8 to go through a driver education program.</p> <p>9 Which I would get in touch with the public</p> <p>10 safety department. They would send out a</p> <p>11 representative from that office, basically</p> <p>12 someone in education that would teach. I</p> <p>13 would send out an e-mail campus-wide and</p> <p>14 employees who had any need to drive the State</p> <p>15 vehicles would have to go through that</p> <p>16 training. I maintained a log of that and I</p> <p>17 had to send it over to risk management at</p> <p>18 Auburn University once it went through</p> <p>19 Ms. Wanda Blake's office. She was the one</p> <p>20 that looked at it. So we kind of coordinated</p> <p>21 that together.</p> <p>22 Q. And you also mentioned the annual</p> <p>23 retirees' reunion.</p> <p>24 A. Right.</p> <p>25 Q. What is that?</p>
<p style="text-align: center;">42</p> <p>1 on-the-job injury, you need to let HR know</p> <p>2 about that.</p> <p>3 Q. Right.</p> <p>4 A. That was discussed in the initial</p> <p>5 interview --</p> <p>6 Q. Did you --</p> <p>7 A. -- where we signed them up for</p> <p>8 benefits.</p> <p>9 Q. Okay. But throughout an employee's</p> <p>10 term of employment at AUM, were you primarily</p> <p>11 responsible for answering questions they might</p> <p>12 have about FMLA, sick leave, vacation, that</p> <p>13 sort of thing?</p> <p>14 A. Yeah. Debra Foster, as the</p> <p>15 director, could or I could. She had a list of</p> <p>16 guidelines that we -- of names that -- we had</p> <p>17 different jobs to do, so that was one of my</p> <p>18 duties to do.</p> <p>19 Q. Okay. Were you -- would you say you</p> <p>20 were primarily responsible for that -- for</p> <p>21 that obligation?</p> <p>22 A. Well -- well, I guess I could have</p> <p>23 been. But primarily -- I would say yes, along</p> <p>24 with Debra.</p> <p>25 Q. Okay. Look at subparagraph D,</p>	<p style="text-align: center;">44</p> <p>1 A. Okay. The retirees' reunion, that</p> <p>2 was a service that I provided to employees in</p> <p>3 talking to Mr. Don Yancey from the State</p> <p>4 retirement system to come out and talk with</p> <p>5 employees, not those who were about to retire,</p> <p>6 but anyone who wanted to know about retirement</p> <p>7 and how it worked. So I had those -- I tried</p> <p>8 to have those about twice a year.</p> <p>9 Q. Okay.</p> <p>10 A. So I coordinated that.</p> <p>11 Q. Now, look at subparagraph E.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Let me back up. You were primarily</p> <p>14 responsible for the various employee programs?</p> <p>15 A. I was.</p> <p>16 Q. You put them together?</p> <p>17 A. I put them together.</p> <p>18 Q. And coordinated them?</p> <p>19 A. Coordinated them. I did.</p> <p>20 Q. Look at subparagraph E were you say</p> <p>21 you assisted and handled employee relations</p> <p>22 situations. What does that mean?</p> <p>23 A. Okay. If an employee would call, a</p> <p>24 disgruntled employee or someone who had a</p> <p>25 problem, then I would either talk to that</p>



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1 person or send them to Debra Foster. It all
2 depended on the magnitude of it.

3 Q. When you say it all depended on the
4 magnitude --

5 A. Well, if it was something that was a
6 discrimination case or hostile environment or
7 whatever that was. That was an EEO situation.

8 Q. And what was --

9 A. Some supervisors would call me and
10 ask me, well, I need to discipline this
11 employee. Then there was a process for that
12 that they had to follow and they could do a
13 first or second or third warning.

14 Q. Are you saying that if the problem
15 that somebody called you about sounded more
16 like an EEO-type problem, you would send it to
17 Debra Foster?

18 A. In fact, most of them I informed her
19 about them or referred her -- referred them to
20 her. I'm not an EEO officer.

21 Q. Okay. You don't have any EEO
22 training; right?

23 A. No, I don't.

24 Q. Okay. So you would normally refer
25 those type of issues to Debra Foster?

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1 A. Absolutely. Absolutely.

2 Q. But you knew enough about the
3 disciplinary --

4 A. Process.

5 Q. -- process that you could handle
6 those type of --

7 A. Right. I could tell them what they
8 needed to do.

9 Q. Okay. And would that include what
10 process they needed to follow if they had a
11 complaint of discrimination?

12 A. Yes.

13 Q. Okay. Or what they needed to do
14 under the disciplinary policy?

15 A. Right.

16 Q. But you weren't primarily
17 responsible for those activities, were you?

18 A. No, I wasn't.

19 Q. You were an assistant in that role,
20 were you not?

21 A. Right. Right.

22 Q. An assistant to Debra Foster?

23 A. Right.

24 Q. Let's look at paragraph three.

25 A. Okay. And before we go further in

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1 that paragraph three, that January 2005 should
2 have been 2004.

3 Q. Well, is it 2005 or 2004?

4 A. I just said it should have been
5 2004.

6 Q. Oh, it should have been?

7 A. Yes.

8 Q. I thought you said it could have
9 been.

10 A. No.

11 Q. So that's probably a typist error?

12 A. Yes, sir.

13 Q. Okay.

14 A. That was really when we met with
15 Mr. --

16 Q. Do you want to make any other
17 corrections to your affidavit?

18 A. No, sir. That's the only one.

19 Q. Okay. So in January 2004, Cynthia
20 Ellison came to the human resources office to
21 report concerns she had with Chris Mahaffy?

22 A. Yes, sir.

23 Q. Did Cynthia Ellison come to your
24 office?

25 A. She did. In fact, she had called me

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1 because she was very upset. And this started
2 around 2003, 2004. Because she thought that
3 she was put in a hostile environment because
4 of the way Chris Mahaffy was acting toward
5 her.

6 Q. All right. What -- she called you
7 and then you met with her; right?

8 A. Yes. Yes, sir.

9 Q. What detail did she give you when
10 she called you?

11 A. She just said I am just so nervous.
12 Chris is frightening me with his behavior.

13 And I asked her then -- I said have you spoken
14 with your superior. My recommendation always
15 when anyone came, not only Cynthia, but if
16 anyone would come, I would send them back to
17 their supervisor to talk with their supervisor
18 before --

19 Q. That's what the policy says, isn't
20 it?

21 A. Uh-huh. And, you know, then she
22 came over and she talked with me. And, you
23 know, I said, well, go back and talk with
24 them. She went back and talked with them as
25 far as I know.



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<p style="text-align: center;">49</p> <p>1 Q. With who?</p> <p>2 A. With at that time Dr. Bob Elliott.</p> <p>3 Q. Okay. Let's back up. When you</p> <p>4 talked to her on the telephone, you told her</p> <p>5 to go talk to her supervisor because that's</p> <p>6 what the policy requires; right?</p> <p>7 A. Uh-huh. Right.</p> <p>8 Q. Do you know if she did that after</p> <p>9 you and she talked on the telephone?</p> <p>10 A. She did. She did. Because she said</p> <p>11 to no avail.</p> <p>12 Q. She talked to Bob Elliott?</p> <p>13 A. At that time. At that time it was</p> <p>14 to no avail. And she came over later maybe in</p> <p>15 about another week or so and we talked about</p> <p>16 it.</p> <p>17 Q. Now, if an employee such as Cynthia</p> <p>18 Ellison does not get any satisfaction in</p> <p>19 complaining to her immediate supervisor, at</p> <p>20 that point she's free to come to HR and</p> <p>21 complain?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is that how you interpreted her</p> <p>24 conduct at that point?</p> <p>25 A. I would. And I would have referred</p>	<p style="text-align: center;">51</p> <p>1 dean of sciences. At that time, I think</p> <p>2 Dr. Mahaffy was apparently exhibiting these</p> <p>3 attitudes toward Ms. Ellison because she was</p> <p>4 on the search committee.</p> <p>5 I also during a meeting that</p> <p>6 Mrs. Foster and I later had with Dr. Glen Ray,</p> <p>7 Dr. Moody -- and, of course, there were some</p> <p>8 other people in the department she talked to,</p> <p>9 but I was not involved in that -- they said --</p> <p>10 they noticed his behavior was of such a</p> <p>11 magnitude that they referred him to a</p> <p>12 psychologist -- psychiatrist.</p> <p>13 So, you know, she was back and forth</p> <p>14 and feeling she was in a hostile environment</p> <p>15 because nobody was doing anything. Then later</p> <p>16 in around November/December 2004, she came</p> <p>17 back to our office and that's -- I said you've</p> <p>18 got to talk to Debra.</p> <p>19 Q. Let's stay in January 2004 for right</p> <p>20 now.</p> <p>21 A. Okay. Okay. All right. That's</p> <p>22 fine.</p> <p>23 Q. We'll get to that. Don't worry</p> <p>24 about it.</p> <p>25 A. Okay. Okay.</p>
<p style="text-align: center;">50</p> <p>1 her to the director of human resources --</p> <p>2 Q. And did you do that?</p> <p>3 A. -- since she's the EEO officer.</p> <p>4 Q. You referred her to Debra Foster?</p> <p>5 A. I told her she was going to need to</p> <p>6 talk to Debra Foster.</p> <p>7 Q. Okay. Was that the end of your</p> <p>8 involvement in that reporting of her</p> <p>9 behaviors?</p> <p>10 A. Well, no. Because nothing had</p> <p>11 happened. So she came back to me again and</p> <p>12 she called me. And she came back to me</p> <p>13 several times.</p> <p>14 Q. Several times?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Did you keep a record of these</p> <p>17 visits?</p> <p>18 A. Not necessarily. I didn't. Huh-uh.</p> <p>19 I just know that she was upset. She was a</p> <p>20 nervous wreck. She appeared to be. I said,</p> <p>21 well, you're going to have to do something.</p> <p>22 At that time, I think, in a conversation later</p> <p>23 with Dr. Glen Ray who they were also -- this</p> <p>24 was during a search for the dean's position.</p> <p>25 We had a search for the Dean in 2003, 2004,</p>	<p style="text-align: center;">52</p> <p>1 Q. She said she called you. Do you</p> <p>2 remember what date she called you the first</p> <p>3 time?</p> <p>4 A. Well, it was probably -- it was in</p> <p>5 January. Sometime in January. I don't know.</p> <p>6 Early January, December/January.</p> <p>7 Q. Okay.</p> <p>8 A. I don't remember exactly to be</p> <p>9 honest.</p> <p>10 Q. Well -- so when you say January 2004</p> <p>11 in your affidavit, it could very well be</p> <p>12 December 2003?</p> <p>13 A. No, it could have been -- it was</p> <p>14 January 2004.</p> <p>15 Q. Now, she called you in January?</p> <p>16 A. But, now, she had complaints about</p> <p>17 this from 2003.</p> <p>18 Q. That she mentioned to you when she</p> <p>19 called you?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Okay. We are going to get to that.</p> <p>22 A. She said this has been going on for</p> <p>23 a long time.</p> <p>24 Q. When she called you in</p> <p>25 January 2004 --</p>



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<p style="text-align: center;">53</p> <p>1 A. Uh-huh. Yes.</p> <p>2 Q. -- now, this is the first complaint</p> <p>3 she made to you -- Cynthia Ellison has made to</p> <p>4 you about Chris Mahaffy?</p> <p>5 A. Right.</p> <p>6 Q. Okay. List for me the things that</p> <p>7 she complained about.</p> <p>8 A. She said that he would come and</p> <p>9 stare in her office. He would stare at her.</p> <p>10 He wouldn't say anything to her. He would</p> <p>11 stand in her doorway and stare at her. She</p> <p>12 went to work one morning. I guess she would</p> <p>13 go into the office early, maybe seven o'clock,</p> <p>14 to catch up on some work. She said he would</p> <p>15 sit there. He was sitting there one morning</p> <p>16 crying --</p> <p>17 Q. Okay.</p> <p>18 A. -- and dressed in an overcoat, had a</p> <p>19 backpack that she had no idea what was in it.</p> <p>20 And those are some of the things I remember</p> <p>21 she mentioned to me.</p> <p>22 Q. Do you recall any other events or</p> <p>23 behaviors that Cynthia Ellison mentioned to</p> <p>24 you in January 2004 about Chris Mahaffy's</p> <p>25 behavior that she found offensive?</p>	<p style="text-align: center;">55</p> <p>1 A. Well, I recalled it when you put it</p> <p>2 the way you did.</p> <p>3 Q. Okay. When did that occur?</p> <p>4 A. That occurred I believe in 2004.</p> <p>5 2004, 2005. I don't know.</p> <p>6 Q. Sometime in those two years?</p> <p>7 A. I don't remember. Right. I</p> <p>8 don't -- I don't want to get into specific</p> <p>9 dates with you because I really don't remember</p> <p>10 them.</p> <p>11 Q. Is that something you heard or is</p> <p>12 that something that Cynthia Ellison told you?</p> <p>13 A. Well, that's what I heard from one</p> <p>14 of the -- the managers in her department say.</p> <p>15 And Cynthia Ellison told me he said it also.</p> <p>16 And one of the faculty members said he said</p> <p>17 that.</p> <p>18 Q. All right. Which manager told you?</p> <p>19 A. Dr. -- Dr. Glen Ray in an interview</p> <p>20 that Ms. Foster and I had with him.</p> <p>21 Q. When was that?</p> <p>22 A. That was in December 2004.</p> <p>23 Q. All right. And when did -- strike</p> <p>24 that. Who else told you that Mahaffy made</p> <p>25 that remark?</p>
<p style="text-align: center;">54</p> <p>1 A. No.</p> <p>2 Q. When she mentioned these behaviors</p> <p>3 to you, did she tell you when each of the --</p> <p>4 each of them occurred?</p> <p>5 A. No. We didn't go into that.</p> <p>6 Q. Did you ask her?</p> <p>7 A. I didn't.</p> <p>8 Q. Okay. And these are the events that</p> <p>9 you say made her nervous and were frightening</p> <p>10 her?</p> <p>11 A. Right. Because he would just stare</p> <p>12 at her. She said he would just sit there,</p> <p>13 stand up and just stare at her. And, I mean,</p> <p>14 it would make me uncomfortable.</p> <p>15 Q. Did Cynthia Ellison ever tell you</p> <p>16 that Mahaffy touched her?</p> <p>17 A. No.</p> <p>18 Q. Did Cynthia Ellison ever tell you</p> <p>19 that Mahaffy said anything threatening or</p> <p>20 intimidating to her?</p> <p>21 A. He said that blacks should not be in</p> <p>22 responsible positions.</p> <p>23 Q. Okay. That's another event. You</p> <p>24 didn't mentioned that to me a minute ago. You</p> <p>25 just recalled that?</p>	<p style="text-align: center;">56</p> <p>1 A. Well, Ms. Ellison said that he made</p> <p>2 that remark to her. In fact, Debra Foster</p> <p>3 said that Mahaffy said in a meeting that</p> <p>4 Ms. Ellison and I had with Ms. Foster, she</p> <p>5 said that Chris Mahaffy said that blacks</p> <p>6 should not be in responsible positions.</p> <p>7 Ms. Ellison said, well, then, Ms. Foster, you</p> <p>8 should feel offended. I know I was as an</p> <p>9 African American.</p> <p>10 Q. When did Cynthia Ellison tell you</p> <p>11 that Mahaffy made the remarks about blacks</p> <p>12 being in power?</p> <p>13 A. That was in December.</p> <p>14 Q. Of?</p> <p>15 A. '04.</p> <p>16 Q. '04. Okay. So if you refer back to</p> <p>17 your affidavit, you're talking about</p> <p>18 January 2004. That remark did not come up at</p> <p>19 that time; right?</p> <p>20 A. No, it didn't.</p> <p>21 Q. That's what I was trying to get at.</p> <p>22 A. Oh. Okay. No, it didn't.</p> <p>23 Q. I'm just trying to put things in</p> <p>24 order here.</p> <p>25 A. Okay. That's fine.</p>



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<p style="text-align: center;">57</p> <p>1 Q. Now, when she called you in 2 January 2004, you told her to go talk to her 3 supervisor? 4 A. I did always. 5 Q. Which was Dean Bob Elliott? 6 A. Bob Elliott at the time. Then after 7 Bob Elliott left -- I don't remember exactly 8 when he retired, but it was shortly thereafter 9 I believe. And then Brad Moody was the 10 interim dean before Lawal got there. 11 Q. Now, do you know if Cynthia Ellison 12 went to talk to Bob Elliott about the behavior 13 she complained to you about it? 14 A. I don't know it, but I firmly 15 believe that she did. 16 Q. Did she tell you she did? 17 A. She did. 18 Q. All right. And she told you that -- 19 I think your words were it was to no avail. 20 A. Right. 21 Q. What else did she tell you about her 22 meeting with Bob Elliott? 23 A. She said nobody was doing anything 24 at that particular time. But later I found 25 out that Bob -- that he had -- Mahaffy had</p>	<p style="text-align: center;">59</p> <p>1 Q. Was he also Bob Elliott's associate 2 dean? 3 A. I think he was. 4 Q. Now, did Cynthia Elliott tell you in 5 person or on the telephone that her meeting 6 with Bob Elliott was to no avail? 7 A. No. In person. She came over to 8 the HR office. 9 Q. Okay. And then you referred her to 10 Debra Foster; is that correct? 11 A. And I told her if she did not have 12 any response from her department head, her 13 next step would be to go to Debra Foster, the 14 EEO officer, and lodge a complaint. 15 Q. And when you say department head, 16 you're referring to Dean Elliott? 17 A. Right. 18 Q. And your referral of Cynthia Ellison 19 to Debra Foster was consistent with -- 20 A. The policy and procedure. 21 Q. -- right -- for reporting this type 22 of -- 23 A. Exactly. She was reluctant about 24 going to Mrs. Foster and I said why. And she 25 said because she hasn't done anything for me</p>
<p style="text-align: center;">58</p> <p>1 been referred for psychiatric training. 2 Q. Okay. 3 A. And I know that he also had -- he 4 had made a statement, I think, saying that a 5 student was too young to be admitted to 6 pharmacy school and that, of course -- we 7 brought some training from one of the local 8 law firms that came out and did some training 9 that was supposed to be a help factor, I 10 guess, with him then. I don't really know. 11 Q. Now, when Cynthia Ellison reported 12 to you that her meeting or conversation with 13 Bob Elliott did not produce any results, what 14 was your reaction, your response? 15 A. Well, my response to her is but 16 surely they're going to help you. 17 Q. Who is they? 18 A. The dean. 19 Q. You're talking about Bob Elliott? 20 A. Dean Bob Elliott. Right. Bob 21 Elliott and Glen Ray who was the associate 22 director I believe. 23 Q. Wasn't Glen Ray Brad Moody's 24 associate dean? 25 A. Right. Right.</p>	<p style="text-align: center;">60</p> <p>1 in the past. There was an Allison Stevenson's 2 case when Ms. Stevenson called her a nigger. 3 And, of course, it was -- at that time, 4 Ms. Foster said she didn't have -- she had 5 never had a case like that before. She wasn't 6 quite sure how she should handle it. So I 7 think in between that time, that's probably 8 why she was even reluctant about going to 9 Ms. Foster. But I knew that I was not the EEO 10 officer and I could not handle the situation. 11 Q. In your affidavit in paragraph 12 three, the events you're referring to there 13 occurred after the Allison Stevenson -- 14 Allison Stevens incident; is that right? 15 A. I don't remember when that Allison 16 Stevenson situation happened. I know it 17 happened, but as far as the timeframe on it, I 18 would just be remiss from giving you a date 19 that I'm not sure of. 20 Q. I understand, but what you're 21 talking about in paragraph three is Cynthia 22 Ellison coming to you about Mahaffy's -- about 23 Mahaffy? 24 A. Yes, sir. 25 Q. And not about Allison Stevens?</p>



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<p style="text-align: center;">61</p> <p>1 A. No. But I'm just telling you why 2 maybe. Because I don't think at that 3 particular time she went straight to 4 Ms. Foster about the situation. 5 Q. You don't think she did? 6 A. Not at that particular time, no. 7 Because I think she -- her feeling was that 8 she wasn't going to do anything for her any 9 way. 10 Q. As a result of what happened with 11 Allison Stevens? 12 A. Yes, sir. Or whatever had happened. 13 Plus there was another situation that had 14 happened with a student -- an employee in the 15 sciences -- in the sciences department who had 16 applied for a position. And his name was 17 Jesse Clayton. And I know that he was -- he 18 came with a complaint to us and he said that 19 Ms. Foster told him go back over there and 20 don't make waves; they weren't going to do 21 anything for him. So that was a situation 22 that Ms. Ellison was very well aware of. And 23 I guess because of that, she did not go to 24 Ms. Foster. 25 Q. If Cynthia Ellison or any employee</p>	<p style="text-align: center;">63</p> <p>1 with me that that was the end of 2004 and 2 beginning of 2005? 3 A. Uh-huh. Yes, sir. 4 Q. Let's stick with 2004 for a few 5 minutes. 6 A. Okay. 7 Q. I know you didn't mention in your 8 affidavit, but let's talk about the Allison 9 Stevens event for a moment. 10 A. Okay. 11 Q. And, first, tell me what your 12 involvement in that was. 13 A. I really had little involvement. 14 Debra told me about the situation. Cynthia 15 told me about it. She said I've had this 16 confrontation. I didn't make any notes to 17 this either. I am a lot of times a sounding 18 board and was for a lot of employees, although 19 I know how important it is to document. 20 But I said what happened. She said, 21 well, she called me a nigger. And I said oh, 22 well, that's another thing she needed to do 23 was talk to Debra about that. You know, that 24 was important enough to bring to the immediate 25 attention of the EEO officer.</p>
<p style="text-align: center;">62</p> <p>1 refused to go to, you know, the director of 2 human resources, what other recourse do they 3 have under the policies that exist here? 4 A. Well, they could always go to the 5 chancellor and, you know, I think in one 6 situation she did. But she eventually went to 7 Ms. Foster. 8 Q. Okay. 9 A. She eventually went to her. 10 Q. Okay. With reluctance; right? 11 A. I would say so, because she -- she 12 didn't think she was going to do anything to 13 help her I guess. 14 Q. And is it your testimony that you 15 didn't take any notes about any of these 16 meetings or conversations with Cynthia 17 Ellison? 18 A. I didn't with Cynthia. I did -- 19 well, when she met with Debra -- when she met 20 with Debra, we met together. Because we 21 had -- once the investigation was launched, 22 there were several meetings. 23 Q. Okay. Well, I'm not there yet. 24 A. Okay. 25 Q. We'll get there. Would you agree</p>	<p style="text-align: center;">64</p> <p>1 So I really don't know. I remember 2 Debra telling me about it. She said that 3 Cynthia -- that Allison had called Cynthia, so 4 she heard, a nigger. But it would probably be 5 a he-said-she-said case. She had never had a 6 case like that before. She didn't know how to 7 deal with it. So that was about the end of my 8 involvement with that. 9 Q. Okay. You did sit in on one 10 meeting, though, involving the investigation 11 concerning the Allison Stevens incidents, did 12 you not? 13 A. I think maybe I did. I really don't 14 remember. I really don't remember. 15 Q. Do you recall -- 16 A. Because Debra and I talked about it. 17 But as far as a formal meeting, I don't 18 remember. If Allison walked in right now, I 19 don't think I'd recognize her. 20 Q. Do you recall if you sat in any 21 meeting because Cynthia Ellison wanted a third 22 person? 23 A. Me to be there, yes. 24 Q. That's your recollection? 25 A. Some of her meetings she did. In</p>

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<p style="text-align: center;">65</p> <p>1 fact, most of them.</p> <p>2 Q. But you don't have any firsthand</p> <p>3 knowledge about the Allison Stevens incident,</p> <p>4 do you?</p> <p>5 A. No, I don't. I wasn't there.</p> <p>6 Q. Okay. Now, in paragraph four of</p> <p>7 your affidavit --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- at the bottom, you say that</p> <p>10 Mahaffy, through his conduct, placed her in a</p> <p>11 hostile environment.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Is that -- is that what she reported</p> <p>14 to you or is that the conclusion you reached</p> <p>15 based on what she said?</p> <p>16 A. Well, that was the conclusion that I</p> <p>17 reached.</p> <p>18 Q. Did she -- did Cynthia Ellison use</p> <p>19 those words hostile environment?</p> <p>20 A. Yes, she did. She did.</p> <p>21 Q. Did she tell you what she meant by</p> <p>22 that phrase?</p> <p>23 A. Well, I knew what it meant. It</p> <p>24 meant that she was frightened and that it was</p> <p>25 an uncomfortable setting for her.</p>	<p style="text-align: center;">67</p> <p>1 has got to do something to help me with this</p> <p>2 person. I can't do my work. So, I mean, all</p> <p>3 I had to go on was her -- what I saw and what</p> <p>4 I heard.</p> <p>5 Q. Okay. Other than the behaviors you</p> <p>6 told me about -- and you've got them in</p> <p>7 paragraph four here, too -- did Cynthia</p> <p>8 Ellison tell you why she thought Mahaffy was</p> <p>9 behaving in that fashion?</p> <p>10 A. Because she thought he thought she</p> <p>11 had some pull in the search committee. She</p> <p>12 was on the search committee for the dean's</p> <p>13 position.</p> <p>14 Q. Right.</p> <p>15 A. He thought that she could pull a</p> <p>16 string, I guess, to get him into that position</p> <p>17 or to make it so that he would have been a</p> <p>18 viable candidate for that position. And my</p> <p>19 knowledge and understanding is that he wasn't,</p> <p>20 was never. But he held that over her and I</p> <p>21 think the demeanor -- his entire demeanor</p> <p>22 towards her changed during that time.</p> <p>23 Q. And do you think that he conducted</p> <p>24 himself the way you describe because he blamed</p> <p>25 her for not assisting him in the dean search?</p>
<p style="text-align: center;">66</p> <p>1 Q. Does it mean anything else to you?</p> <p>2 A. I don't think so.</p> <p>3 Q. Okay. And you go on to say,</p> <p>4 unfortunately, she was a nervous wreck.</p> <p>5 A. She was. I could just tell it in</p> <p>6 her voice. I mean, I've known Cynthia since I</p> <p>7 came to work at AUM in 1988. She has had</p> <p>8 composure. She has been a professional. She</p> <p>9 has done her job. And she has been very</p> <p>10 cognizant about her surroundings and things of</p> <p>11 that nature. And for her to come to me -- I</p> <p>12 mean, there are things you know when you know</p> <p>13 employees and I would -- I'm not perfect, but</p> <p>14 human resources meant knowing and working with</p> <p>15 people. And, of course, the guidelines and</p> <p>16 the laws, we knew we had to know those too.</p> <p>17 But I knew when I spoke with her</p> <p>18 that she was not a person that was not feeling</p> <p>19 that she was without -- or out of harm's way.</p> <p>20 I could feel that. I could certainly feel it</p> <p>21 and tell it in her voice.</p> <p>22 When I saw her, she was like this.</p> <p>23 I said what is wrong with you. She said I'm</p> <p>24 about to go out of my mind. She said he just</p> <p>25 comes and sits in my office, Faye; somebody</p>	<p style="text-align: center;">68</p> <p>1 A. Yes, sir. I absolutely,</p> <p>2 unequivocally do.</p> <p>3 Q. Okay. Do you know of any other</p> <p>4 reason why he would have behaved in that</p> <p>5 fashion?</p> <p>6 A. I wouldn't know any other reason.</p> <p>7 Q. All right. Let me ask you a little</p> <p>8 bit about your working relationship and</p> <p>9 knowledge of Debra Foster.</p> <p>10 A. Okay. Debra came to work in the HR</p> <p>11 office in 2000, 2001 I believe --</p> <p>12 Q. Okay.</p> <p>13 A. -- when she first came to campus.</p> <p>14 And I wanted to stay on because once she was</p> <p>15 hired, I really felt we're going to do wonders</p> <p>16 for this campus. I wanted to get an employee</p> <p>17 assistance program going. She came from a</p> <p>18 university. I thought she could bring new</p> <p>19 knowledge into the area and we could work</p> <p>20 together.</p> <p>21 When she came to work with us, I</p> <p>22 took her to her office and I told her that I</p> <p>23 would be the best assistant director to her</p> <p>24 that I could possibly be. I don't know what</p> <p>25 happened down the line. Because, you know,</p>



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1 there were times when I -- you know, when I
2 would have thought she would have come to me
3 to talk to me about some things. She went to
4 a clerk that I had at that time, which was --
5 subsequently she was fired the day before I
6 came back to work. But --

7 Q. What's the clerk's name?

8 A. Susan McNeal. She worked and
9 reported to me. And, of course, you know,
10 there were some good things that Debra has
11 done for the HR office. But I left the HR
12 office because I could not stand the lack of
13 integrity there nor the nonprofessionalism.
14 That's why I left.

15 Q. Okay. Let's talk about --

16 A. I have nothing personal against
17 Ms. Foster, but I just -- some of the
18 things -- talking about employees. They're
19 stupid. Cynthia Ellison would call. What
20 does she want now; when is she going to
21 retire. Those were unprofessional -- to me
22 that was very unprofessional behavior.

23 Q. Can you give me some examples of
24 what you considered to be the lack of
25 integrity in the human resources office?

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1 A. Well, when you -- when you're
2 talking loud, if there's a case -- and I
3 remember I worked very closely and wanted to
4 learn the EEO that I was not formerly trained
5 for. There were times I had to get up and
6 close the office door because Ms. Foster was
7 talking so loud about things I called and
8 thought were personal in nature when an
9 employee would come to complain about
10 something. That was unprofessional.

11 The integrity, if you go and talk
12 about that to your employees -- there were
13 things that I didn't need to know in that
14 office as assistant director when it came to
15 certain things. With her being the
16 affirmative action EEO officer, there were
17 things that I didn't need to know. But, yet,
18 still there were things that were talked about
19 that certainly should not -- they were
20 inappropriate.

21 When I left this campus, sir, I sent
22 out an e-mail telling people that I was
23 retiring. I've got e-mails that people sent
24 to me saying the lack of integrity. And it's
25 nothing personal against Ms. Foster. When she

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1 came, I welcomed her. I told her that I would
2 be the best assistant director to her that I
3 could be. And I don't know. And then she
4 said, well, what am I supposed to do. I said,
5 well, you can start by reading this
6 information that your predecessor left for
7 you.

8 I mean, I'm not perfect, but I
9 believe in professionalism. And I've tried
10 to -- I love this university and would have
11 been here until I reached full retirement.
12 I'll be 65 years old next year and I could
13 easily have stayed and it hurt me to leave.
14 I'm sorry. Maybe I got away from you. What
15 else do you want to know?

16 Q. Well, I mean, I don't -- are those
17 the reasons you retired?

18 A. Yes.

19 Q. Are there any other reasons?

20 A. No, sir.

21 Q. And it had mainly to do with the way
22 Debra Foster conducted herself in the office?

23 A. I could not -- exactly. A second --
24 my clerk -- which that was okay. She
25 wasn't -- there were some issues that Debra

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1 had that she really needed to do what she did
2 to a point. But it's the way we do anything.
3 I was coming back to work that next day. She
4 could have at least given me the opportunity
5 to come and talk about it.

6 I didn't have anything -- when she
7 said she had terminated her, fine. You know,
8 you did that. But why didn't you wait until I
9 got back? But then I heard that she said I
10 was too protective. Well, my goodness, if I
11 can't respect and be protective to people who
12 are loyal to me, who can I be?

13 Q. Well, are you saying Susan McNeal
14 was loyal to you?

15 A. She was loyal to the whole office,
16 this university. She was my --

17 Q. Debra Foster certainly had the
18 authority to discharge her, did she not?

19 A. Yes, she did.

20 Q. And your concern is that she did not
21 consult with you prior to doing that?

22 A. No, she didn't. She fired her. She
23 called me at home. I was still on leave. She
24 said I had to let Susie go. I said okay.

25 Couldn't you have waited until I got back;

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<p style="text-align: center;">73</p> <p>1 I'll be back on Tuesday. And she said no. 2 She was told that she had to do it, so I don't 3 know. 4 Q. Do you know the details behind all 5 that? 6 A. Well, Susan was -- Susan had ways 7 where she really didn't show Debra the 8 respect. And to me, neither one of them did. 9 Because when we would have meetings, I would 10 say, Debra, you've created a monster out here 11 because the secretary -- Debra's secretary and 12 my clerk, they were pitted against each other. 13 Susie didn't like her, but there were things 14 as a manager that we can do. 15 And to me, human resources is more 16 than just doing affirmative action and EEOs. 17 There were things that we could have done to 18 make those employees -- try to help them, not 19 start fires, but put them out. And that's 20 what I wanted to see happen. 21 But Susie had -- she had a mouth. 22 She would talk. She would talk back to Debra 23 sometimes. So I'm not denying that. She was 24 not perfect. But she did her job and she and 25 Debra stayed into it all the time about one</p>	<p style="text-align: center;">75</p> <p>1 was then referred for a position. 2 But, anyway, they had 3 confrontations. Debra came in, employed 4 Susan. Susan and Debra had some words and I 5 guess that was -- I don't know. I wasn't 6 there. But that's what I'm told. 7 There was an investigation. There 8 was a grievance filed behind that, though. 9 And the grievance procedure was followed and I 10 think there was -- and I came out for that 11 because I was called in as a witness. I gave 12 testimony. I don't know what happened. I 13 later found out it was tape-recorded, not like 14 she's doing. But then I heard the tapes came 15 up missing. So I don't know. 16 But, anyway, you know, she -- she 17 didn't -- she threatened to sue and she did 18 not sue, but she -- and my concern for her, 19 she had worked here in the system for 22 years 20 in the retirement system of Alabama. So I was 21 helping her to try to find a job so she could 22 stay in the system and not lose her time. So 23 thank God, she has a job now. She's working 24 with the DOT. But that was -- that was just 25 awful.</p>
<p style="text-align: center;">74</p> <p>1 thing or the other. 2 Q. Do you know the reason for her 3 dismissal? 4 A. Let me see. They said an employee 5 had called -- an applicant had called about a 6 position. Susie thinks it was a setup. This 7 applicant had called about a position. He 8 said that Susan did not speak to him in a 9 professional manner. And he went through the 10 chancellor's office and reported, although 11 Dr. Nance wasn't here at the time. He talked 12 with the secretary down there. And he called 13 upstairs and talked to Ms. Foster, said that 14 Susie was not professional with him. She was 15 trying to help him. Because he said that his 16 application was there on time. We had 17 deadlines for applicants to apply for 18 positions, sir. If they didn't make that 19 deadline, so be it. I did not refer them. I 20 said we have guidelines and I went by the book 21 as much as I could. 22 And she said that she told him your 23 application isn't here. He said, yes, it is. 24 But later found out that that application came 25 in after the deadline date. And he was -- he</p>	<p style="text-align: center;">76</p> <p>1 Q. But you don't know how her 2 grievance -- the result of her grievance? 3 A. Well, it went all the way up and 4 they decided that they would not bring her 5 back. You know, that was concluded. 6 Dr. Nance made that final decision, which it 7 had to go to her. 8 Q. Ms. Ward, have you ever said any 9 negative things about Debra Foster to Cynthia 10 Ellison? 11 A. No, I have not. 12 Q. Have you ever said any negative 13 things about Debra Foster to Ms. Rodgers? 14 A. No, I haven't. 15 Q. Have you ever said any negative 16 things about Debra Foster to Courtnei Ellison? 17 A. No, I have not. 18 Q. Have you ever said any negative 19 things about Debra Foster to anybody? 20 A. No, I haven't. 21 Q. Okay. 22 A. I mean, most people knew, I think, 23 why I left. I'm too professional for that and 24 I would hope Ms. Ellison -- Ms. Foster would 25 be also.</p>



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<p style="text-align: center;">77</p> <p>1 Q. Let's look down -- go back to your 2 affidavit if you would, please. 3 A. Okay. 4 Q. And let's look at paragraph number 5 five. 6 A. Yes, sir. 7 Q. We're in January 2005 now; right? 8 A. Uh-huh. Uh-huh. 9 Q. It says that Debra Foster scheduled 10 a meeting with Mahaffy. 11 A. Right. 12 Q. And you attended that meeting? 13 A. Yes, sir. 14 Q. Was it just you, Debra Foster and 15 Mahaffy in that meeting? 16 A. Yes, sir. 17 Q. And it was on January 10th; correct? 18 A. Uh-huh. Yes. 19 Q. You say that was after Cynthia 20 Ellison reported the discrimination; right? 21 What are you referring to there? 22 A. Well, see -- well, see, this was 23 after. Well, she had reported discrimination 24 back in 2004 as I told you. All right? And 25 then later when she came and talked with</p>	<p style="text-align: center;">79</p> <p>1 trust you. And I looked at him and I said, 2 well, I'm not the EEO officer. But Dr. Ritvoe 3 and Debra also wanted me to attend those 4 meetings. 5 Q. Do you feel like Cynthia Ellison 6 followed the correct procedure in reporting 7 the discrimination that you're referring to in 8 paragraph five? 9 A. I think she did. 10 Q. It got to HR, didn't it? 11 A. It did. It did. 12 Q. Do you know if she also complained 13 to the dean, who would be her immediate 14 supervisor? 15 A. You mean the last dean, Dr. Lawal? 16 Q. Yes. Dr. Lawal. 17 A. Yes. Because he had the same 18 complaint that Mrs. Ellison had. He thought 19 that Mahaffy was being discriminatory toward 20 him. In fact, when he came to see Ms. Foster 21 and myself, he said that he wanted his case 22 aligned with Ms. Ellison's case. And 23 Ms. Foster said, well, you're faculty. You 24 know, we don't need to do your case. I'm not 25 doing your case. And I said, well, after all,</p>
<p style="text-align: center;">78</p> <p>1 Debra -- or, no, Debra got a letter from 2 Dr. Ritvoe, because Cynthia had written a 3 letter. He told her to put it in writing. 4 She had sent the letter to 5 Dr. Ritvoe and because of the nature of the 6 letter and Debra being the EEO officer, he 7 sent that letter up to HR. Okay. At that 8 time, I'm not sure if Cynthia had talked with 9 Debra by then -- if she had spoken with Debra 10 by then, but I know that Debra started the 11 investigation. 12 Q. Okay. When did your involvement in 13 that investigation begin? 14 A. In December. 15 Q. What did you do? 16 A. And I don't know why because I kept 17 telling Dr. Ritvoe and those I'm not the EEO 18 officer; why should I have to go to these 19 meetings. It was never that way in the past. 20 But, anyway, he wanted me to go to the 21 meeting. 22 But, anyway, in December of '04, we 23 talked to Glen Ray, Brad Moody. And I was 24 asked to sit in on all those meetings and I 25 asked him why. And he said, well, because we</p>	<p style="text-align: center;">80</p> <p>1 you're the EEO officer for the whole campus, 2 be it the faculty or staff. So Dr. Lawal 3 knew. Oh, yeah, he knew Cynthia's complaint. 4 Q. Okay. So in terms of getting the 5 complaint to the right people, you feel like 6 the procedures were followed. 7 A. I do. 8 Q. Right? 9 A. I do in the final analysis. 10 Q. And that was in December 2004. 11 A. Uh-huh. 12 Q. Right? 13 A. That's right. Because we had our 14 first -- our first interview, I think, was in 15 December with -- because before Chris was 16 called in, there was an interview with Glen 17 Ray -- Dr. Glen Ray, Dr. Brad Moody and 18 Ms. Foster talked by phone to Dr. Elliott. I 19 was not involved in that one. And she spoke 20 with Mr. Judd -- Dr. Judd Katz in his office. 21 I was not involved in those. 22 Q. Okay. Do you feel like the correct 23 people were interviewed in a part of this -- 24 as part of this investigation? 25 A. Yes, sir. I do.</p>



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<p style="text-align: center;">81</p> <p>1 Q. Do you believe that there was anyone 2 who was not interviewed who should have been 3 interviewed?</p> <p>4 A. No. I think because Dr. Glen Ray -- 5 he was in the position where, you know, he 6 worked closely with Dr. Mahaffy. Of course, 7 Dr. Moody was the interim dean at that time. 8 Dr. Bayo, who came -- Lawal, who came later, 9 he was ultimately the dean of the School of 10 Sciences. And I don't know.</p> <p>11 Q. Okay. Do you know what Cynthia 12 Ellison's complaints of discrimination were at 13 that time?</p> <p>14 A. Well, that she was just being 15 treated differently, maybe because she was 16 African American. I don't know. But her real 17 concern was she was being placed in a hostile 18 environment because of Dr. Mahaffy's behavior.</p> <p>19 Q. Did you stay involved -- I'm sorry.</p> <p>20 A. And that's why I didn't understand 21 about Dr. Lawal. Because -- well, maybe you 22 haven't gotten to that point yet. But I'll 23 wait.</p> <p>24 Q. Did you stay involved in the 25 investigation that originated with Cynthia</p>	<p style="text-align: center;">83</p> <p>1 course, as I said, Debra had asked me to sit 2 in and Dr. Ritvoe wanted me to sit in also. 3 So when he came to the office of human 4 resources, we escorted him down the hall to -- 5 the special services department have a 6 conference room. We did not have one in HR. 7 So as we went down, he asked -- he 8 said is this about Allison Stevenson. And so 9 Debra said no. And he said, well, I thought 10 that had been over -- taken care of. So I 11 said, yes, you know, as far as I know, that's 12 been taken care of.</p> <p>13 So he said what is this about. So 14 as we entered into the conference room, Debra 15 said to him, well, come on in, Chris; this 16 isn't about anything too much. Cynthia 17 Ellison just placed -- filed a complaint to 18 Roger Ritvoe and he sent it up to me. And 19 because of the nature of it, I have to 20 investigate.</p> <p>21 And Debra started asking him 22 questions about whether or not he, you know, 23 was discriminatory toward Cynthia and he 24 talked about that and, no, he didn't do this, 25 that or the other for whatever she was asking.</p>
<p style="text-align: center;">82</p> <p>1 Ellison's complaint to the end?</p> <p>2 A. I did. I did. As far as to the end 3 of the meetings and until I left, you know. 4 And then up until -- in fact, I came back in 5 July, yes, and then Ms. Ellison left in 6 February. Uh-huh.</p> <p>7 Q. Let's go through the investigation. 8 I think you told me that you had meetings in 9 December --</p> <p>10 A. Yes, sir.</p> <p>11 Q. -- 2004 and you were in some and not 12 in others.</p> <p>13 A. Right.</p> <p>14 Q. Right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. Now, you're referring in 17 paragraph five to a meeting on January 10th.</p> <p>18 A. January 10th. Uh-huh.</p> <p>19 Q. With --</p> <p>20 A. With Mahaffy.</p> <p>21 Q. Chris Mahaffy?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Tell me about that meeting. Tell me 24 what went on.</p> <p>25 A. Okay. He came to our office and, of</p>	<p style="text-align: center;">84</p> <p>1 I asked him one question. I said on a scale 2 of one to ten, how do you work with Dr. Lawal 3 and Cynthia. He said I don't.</p> <p>4 So -- and he said that he would be 5 taking over and people were not going to -- to 6 follow his direction. So, you know, Dr. Lawal 7 had the same concern that Ms. Ellison had 8 about him being discriminatory toward him. 9 And he said that blacks -- he said he did not 10 say that blacks are in power.</p> <p>11 Q. Did you follow up your question to 12 him about why he didn't work with the dean's 13 office?</p> <p>14 A. No, I didn't. I didn't follow that 15 up because Debra -- at that time, she was 16 interviewing him. I just wanted to know.</p> <p>17 Q. Was it your conclusion that he still 18 felt bitter over the selection process and 19 that's why he didn't react well with that 20 office or react at all with the office?</p> <p>21 A. I do. I do. In fact, it was 22 later -- and we'll probably get to that -- it 23 was later also discussed in the conversation 24 with Dr. Ray and Dr. Moody that he did show 25 and change his attitude toward Ms. Ellison</p>



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1 during those search committees. There were
2 two search committees, you know. There were
3 two searches.

4 Q. After the meeting with -- strike
5 that, please. Was it consistent, do you
6 think, with AUM's policies to meet with
7 Mahaffy as a person who was being accused of
8 making these -- having these difficulties?

9 A. Absolutely, sir. Anytime an
10 investigation would come about, we would get
11 on an investigation within -- if it's the
12 sexual harassment or if it was something of
13 that -- discriminatory, that would be handled
14 immediately by calling in the person and the
15 person who was being accused of. That was
16 done immediately. And then, if not, at least
17 within 24 to 48 hours. You call in those
18 individuals and you start getting --
19 collecting your information. And then you
20 move. It was nothing that ever sat around for
21 any definite period.

22 Q. Okay.

23 A. I remember that because, of course,
24 I may not have been that directly involved in
25 those investigations, but if I had

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1 information, I was asked from the director,
2 well, give me what information you have about
3 the situation. I would present it to her and
4 that was it because, as I said, I'm not an EEO
5 affirmative action officer.

6 Q. Right. And, of course, during the
7 time of these meetings regarding Mahaffy, AUM
8 was on holiday break and in between semesters,
9 was it not?

10 A. Well, no. What happened was the
11 meetings we had in December were prior to
12 holiday.

13 Q. Okay.

14 A. And that was with the ones -- the
15 people that I told you about, Moody and Ray.
16 And we could have called him in probably, but
17 Debra said, well, I'm not going to mess up my
18 holiday. We'll call him in later. So that's
19 how he got kicked over into January.

20 Q. Okay. What was the time period when
21 the university was -- it was a university
22 holiday for everybody who worked here, for
23 staff as opposed to students?

24 A. Well, the students always get out a
25 little bit before we get out. And we got

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1 out -- we normally have a two-week period. So
2 I guess anywhere from December whatever to
3 after the holiday, after January 1st was our
4 normal holiday.

5 Q. And in 2005, didn't Ed Richardson
6 also add a couple of days to the break?

7 A. Yeah. And that would happen
8 oftentimes.

9 Q. That's because LSU -- that's because
10 Auburn was in the Sugar Bowl; right?

11 A. That's right. Always. I'm not sure
12 they won that year, but he would generally
13 give us an extra day if they did, whoever
14 was --

15 Q. They won.

16 A. -- chancellor.

17 Q. They won.

18 A. Okay. Good.

19 Q. Okay. So you had the meeting with
20 Mahaffy on January the 10th?

21 A. Yes, sir.

22 Q. And if you refer to paragraph six of
23 your affidavit, you said that you were present
24 at another meeting when Roger Ritvoe was
25 involved?

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1 A. Right.

2 Q. Do you remember when that meeting
3 occurred?

4 A. This meeting was later in January,
5 maybe -- let me see -- the 25th we met with
6 Dr. Nance. It had to be maybe around the 18th
7 or 19th. I'm not sure. Because after that
8 meeting, he wanted Dr. Ritvoe to go in to talk
9 to Dr. Nance and plead his case.

10 Q. Mahaffy wanted Ritvoe?

11 A. Yes, sir. Because he had been
12 stripped of his position.

13 Q. You say he was stripped of his
14 position. You mean his -- as a deputy chair?

15 A. Yes, sir.

16 Q. And he lost that title?

17 A. Uh-huh.

18 Q. You've got to say yes.

19 A. Oh, I'm sorry. Yes.

20 Q. Okay. What else -- what other
21 punishment did Mahaffy receive?

22 A. He was supposed to attend some
23 training sessions. Now, whether or not that
24 ever came to be, I have no idea.

25 Q. Okay.



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<p style="text-align: center;">89</p> <p>1 A. Personally I don't think he did.</p> <p>2 Q. You were gone by that time on your</p> <p>3 medical leave, weren't you?</p> <p>4 A. I was -- I left shortly after that.</p> <p>5 But I don't know. He was supposed to go, but</p> <p>6 then when I came back, Debra had said to me</p> <p>7 that he had taken a lot of time off using his</p> <p>8 sick leave. And then I know he came and he --</p> <p>9 ultimately he retired. I'm not sure. It had</p> <p>10 nothing to do with Cynthia Ellison's case,</p> <p>11 though.</p> <p>12 Q. Do you know what else the</p> <p>13 university -- what other conditions the</p> <p>14 university imposed on Chris Mahaffy?</p> <p>15 A. I think his salary was changed.</p> <p>16 Q. Lowered?</p> <p>17 A. Uh-huh. Yes.</p> <p>18 Q. Do you know of anything else that</p> <p>19 the university imposed on him?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Okay. Now, you mentioned a meeting,</p> <p>22 I believe, with Guin Nance before the meeting</p> <p>23 between -- among Ritvoe and yourself and</p> <p>24 Mahaffy; right?</p> <p>25 A. We had a meeting on the -- I think</p>	<p style="text-align: center;">91</p> <p>1 Ms. Ellison and Dr. Lawal who -- he was under</p> <p>2 the impression, I think, Dr. Ritvoe was going</p> <p>3 to allow him to speak to the staff to tell</p> <p>4 them what was going on. But he said no. He</p> <p>5 would be the one to do it. And he said if</p> <p>6 they didn't do something, if they continued to</p> <p>7 do that, that he was going to file civil</p> <p>8 litigation.</p> <p>9 Q. Is that what he told you?</p> <p>10 A. That's what he told us in that</p> <p>11 meeting. Dr. Ritvoe was there and I was there</p> <p>12 also. And after that, we went back to see</p> <p>13 Dr. Nance and we discussed with her some of</p> <p>14 the findings and some of the things that had</p> <p>15 happened. That's my memory of it now.</p> <p>16 Q. Okay. And Dr. Nance is Guin Nance,</p> <p>17 the chancellor of AUM?</p> <p>18 A. Right. Right.</p> <p>19 Q. So these complaints rose to the</p> <p>20 highest level at -- highest administrative</p> <p>21 level at AUM; right?</p> <p>22 A. Yeah. Well, we had to keep her</p> <p>23 apprised of what was going on. It was only</p> <p>24 the right thing to do.</p> <p>25 Q. Do you feel that AUM followed the</p>
<p style="text-align: center;">90</p> <p>1 it was on the 25th. That was after we met</p> <p>2 with him.</p> <p>3 Q. Okay. What was the topic of that</p> <p>4 meeting?</p> <p>5 A. Endowment. That meeting was --</p> <p>6 Debra Foster was there. I was there. Roger</p> <p>7 was there. That was sort of to bring</p> <p>8 Dr. Nance up to what was going on with the</p> <p>9 case, to apprise her of what was going on.</p> <p>10 Q. Wasn't that -- in that meeting</p> <p>11 wasn't it decided what the university was</p> <p>12 going to do to Mahaffy as a result of the</p> <p>13 complaints?</p> <p>14 A. No. That was decided prior to that</p> <p>15 I believe.</p> <p>16 And then after we went back to</p> <p>17 Dr. Nance, at that time she said legal counsel</p> <p>18 would be brought in at that time.</p> <p>19 Of course, we had a meeting with</p> <p>20 Ms. Ellison also and Dr. Lawal. And he said</p> <p>21 that -- at that time, of course, we had also</p> <p>22 met with the staff from physical sciences.</p> <p>23 Dr. Ritvoe apprised them of what had happened</p> <p>24 to Dr. Mahaffy.</p> <p>25 And, of course, we met with</p>	<p style="text-align: center;">92</p> <p>1 correct procedure with Mahaffy and the</p> <p>2 complaints that Cynthia Ellison raised?</p> <p>3 A. I feel that they did as far as</p> <p>4 disciplining him. I don't think that they did</p> <p>5 enough to take Ms. Ellison out of her</p> <p>6 environment she was in. They didn't give her</p> <p>7 security.</p> <p>8 I asked in a meeting -- I asked -- I</p> <p>9 said what happens if he retaliates. Because</p> <p>10 he knew that she was the person that had</p> <p>11 lodged the complaint.</p> <p>12 So my thing is -- which oftentimes</p> <p>13 since I've been at this university, if there</p> <p>14 is a -- if there's a belief that a person may</p> <p>15 be in jeopardy of being, you know, jumped on,</p> <p>16 bothered with in going to a car, we would call</p> <p>17 security. We would either go out as a group.</p> <p>18 They didn't even provide security for her.</p> <p>19 And I asked why don't -- why don't y'all</p> <p>20 provide some security for Dr. Lawal and for</p> <p>21 her at the time.</p> <p>22 Q. Let's talk about that. What do you</p> <p>23 mean by provide security?</p> <p>24 A. Call campus police and have someone</p> <p>25 escort them to the car.</p>



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<p style="text-align: center;">93</p> <p>1 Q. Did anyone do that?</p> <p>2 A. No.</p> <p>3 Q. Did Cynthia Ellison call the campus</p> <p>4 police?</p> <p>5 A. Cynthia Ellison told her boss. Most</p> <p>6 times it went through your supervisor.</p> <p>7 Q. No, no. Did Cynthia Ellison call</p> <p>8 the campus police?</p> <p>9 A. I don't know. I believe she did.</p> <p>10 Q. Do you know if the campus police</p> <p>11 ever said to Cynthia Ellison, no, we are not</p> <p>12 going to escort you to your car?</p> <p>13 A. I don't know. You'd have to ask</p> <p>14 Ms. Ellison that.</p> <p>15 Q. Okay.</p> <p>16 A. I know that I --</p> <p>17 Q. Do you know -- I'm sorry?</p> <p>18 A. I know that I requested it. And I</p> <p>19 said suppose Mahaffy retaliates against</p> <p>20 Dr. Lawal and Cynthia. We'll get security.</p> <p>21 And I told that to Dr. Ritvoe.</p> <p>22 The only time that I'm aware that</p> <p>23 they provided some security for her was later</p> <p>24 in February when they thought she was messing</p> <p>25 with university documents.</p>	<p style="text-align: center;">95</p> <p>1 us could get is a police escort to escort us</p> <p>2 to our car.</p> <p>3 Q. And I believe you told me that you</p> <p>4 don't know if Cynthia Ellison ever requested</p> <p>5 that.</p> <p>6 A. I don't know.</p> <p>7 Q. And you also don't know whether</p> <p>8 campus police ever declined to escort her to</p> <p>9 her car; right?</p> <p>10 A. I don't know if they did or not.</p> <p>11 But I believe that she asked them. I asked.</p> <p>12 So certainly she should have asked for</p> <p>13 herself.</p> <p>14 Q. Ms. Ward, did you ever ask for</p> <p>15 security going to your car?</p> <p>16 A. No, I didn't.</p> <p>17 Q. In your 18 years here, you never</p> <p>18 asked for that?</p> <p>19 A. We have. The director and I have.</p> <p>20 There was a case where we needed security</p> <p>21 because this lady was going all over campus,</p> <p>22 even to the post office, putting up</p> <p>23 distasteful things about the human resources</p> <p>24 office. So, in fact, she thought that we all</p> <p>25 should have had it. It was basically against</p>
<p style="text-align: center;">94</p> <p>1 Q. Did -- are you saying, Ms. Ward,</p> <p>2 that you called campus security -- the campus</p> <p>3 police in order to get security for Cynthia</p> <p>4 Ellison and they refused?</p> <p>5 A. I talked to -- I talked to Chief</p> <p>6 Robinson. I said, you know, Ms. Ellison and</p> <p>7 Dr. Lawal need some security over there. She</p> <p>8 said I'll have to call Dr. Ritvoe. I said</p> <p>9 call Dr. Ritvoe and ask him if that's what you</p> <p>10 have to do.</p> <p>11 Because Debra called and got</p> <p>12 security. They had security in the hallway</p> <p>13 when we were down there with Chris</p> <p>14 interviewing him. So why couldn't they,</p> <p>15 especially when they knew that she was the</p> <p>16 complainant?</p> <p>17 Q. Do you know if AUM has ever had</p> <p>18 security present during a disciplinary</p> <p>19 session?</p> <p>20 A. I certainly do. Absolutely. They</p> <p>21 have.</p> <p>22 Q. Now, what kind of security did you</p> <p>23 have in mind for Dean Lawal and Cynthia</p> <p>24 Ellison?</p> <p>25 A. Sir, the only security that any of</p>	<p style="text-align: center;">96</p> <p>1 her, but we all went out together as a group.</p> <p>2 Q. Did you have security escort you?</p> <p>3 A. Uh-huh. We did. We did.</p> <p>4 Q. On that occasion, when you asked for</p> <p>5 it, you received it?</p> <p>6 A. Well, she asked for it, the</p> <p>7 director.</p> <p>8 Q. Okay.</p> <p>9 A. She asked for it. Even when I was</p> <p>10 out and needed to come back and needed a</p> <p>11 handicapped sticker in my car because I</p> <p>12 couldn't walk, she would call campus police</p> <p>13 and get that for me.</p> <p>14 Q. Who is she?</p> <p>15 A. Rose Shook, my previous director.</p> <p>16 Q. Okay.</p> <p>17 A. So it wasn't unc customary that the</p> <p>18 supervisor -- and I know she told her</p> <p>19 supervisor she needed it. She told me that.</p> <p>20 Q. There's nothing that prevented</p> <p>21 Cynthia Ellison from calling Chief Robinson</p> <p>22 either, is there?</p> <p>23 A. Maybe she did. I don't know.</p> <p>24 Q. Do you know of any policy that makes</p> <p>25 it a requirement that a supervisor call --</p>



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<p style="text-align: center;">97</p> <p>1 A. No.</p> <p>2 Q. -- campus police?</p> <p>3 A. There's not a policy. But there's</p> <p>4 procedure.</p> <p>5 Q. There's procedure for that?</p> <p>6 A. As far as I know out of human</p> <p>7 resources.</p> <p>8 Q. Is it in writing?</p> <p>9 A. No, it's not, not to my knowledge.</p> <p>10 Q. And at least the procedure in human</p> <p>11 resources is that the supervisor calls campus</p> <p>12 security for escorts; right?</p> <p>13 A. Well, I don't know. Debra called.</p> <p>14 I've never called for security to my car.</p> <p>15 I've called them to help me with other things.</p> <p>16 Q. When did Debra Foster call for an</p> <p>17 escort to her car?</p> <p>18 A. I believe that was during the same</p> <p>19 time we had -- Chris was stripped.</p> <p>20 Q. You mean of his title?</p> <p>21 A. Yes.</p> <p>22 Q. Now, did you hear Debra Foster call</p> <p>23 over there?</p> <p>24 A. Debra said she was going to call,</p> <p>25 yes.</p>	<p style="text-align: center;">99</p> <p>1 Q. Is that where they met her on this</p> <p>2 occasion?</p> <p>3 A. I don't know if they came up to the</p> <p>4 office or if they met her downstairs.</p> <p>5 Q. Okay. Where did you first see them</p> <p>6 escorting her?</p> <p>7 A. Going across the campus down the --</p> <p>8 down the sidewalk.</p> <p>9 Q. And where were you?</p> <p>10 A. I was upstairs in the office.</p> <p>11 Q. Were you looking out the window at</p> <p>12 her to see if she was getting escorted?</p> <p>13 A. I was looking out the window.</p> <p>14 Q. And did you follow them all the way</p> <p>15 to her car?</p> <p>16 A. No, I did not.</p> <p>17 Q. How far did you follow them?</p> <p>18 A. I just looked halfway down. I</p> <p>19 didn't have time to stand up and watch her</p> <p>20 being escorted or anybody else being escorted</p> <p>21 to their car.</p> <p>22 Q. How long do you think you watched?</p> <p>23 A. Maybe about two or three seconds.</p> <p>24 Q. Okay. Did you recognize the officer</p> <p>25 who was with Debra Foster?</p>
<p style="text-align: center;">98</p> <p>1 Q. So you heard her make the call --</p> <p>2 A. Yeah.</p> <p>3 Q. -- to the police?</p> <p>4 A. I heard she was going to call over</p> <p>5 there.</p> <p>6 Q. Which officer did she talk to over</p> <p>7 there?</p> <p>8 A. I don't know who she talked to. But</p> <p>9 Nellie Robinson -- she could have picked up</p> <p>10 the phone and talked to anyone and they</p> <p>11 probably said let me talk to the chief.</p> <p>12 Q. I just want to make sure you</p> <p>13 listened to the telephone call she made to</p> <p>14 campus police.</p> <p>15 A. She told me she was going to call.</p> <p>16 Q. So you don't know if she did or not?</p> <p>17 A. No, I don't. But I assume she did.</p> <p>18 She got it.</p> <p>19 Q. Did you see the campus police escort</p> <p>20 Debra Foster to her car?</p> <p>21 A. Yes, yes, yes.</p> <p>22 Q. And where did they pick her up?</p> <p>23 A. She walked downstairs out of the</p> <p>24 library tower and most of the time they would</p> <p>25 meet her down there.</p>	<p style="text-align: center;">100</p> <p>1 A. No, I didn't.</p> <p>2 Q. Did you recognize whether the</p> <p>3 officer was male or female?</p> <p>4 A. I think it was a male.</p> <p>5 Q. Did you recognize whether the</p> <p>6 officer was black or white?</p> <p>7 A. Black.</p> <p>8 Q. Now, you refer in paragraph six to a</p> <p>9 remark that Mahaffy made after the meeting in</p> <p>10 which he lost his title when he said he was</p> <p>11 going to go home and get drunk.</p> <p>12 A. Right.</p> <p>13 Q. What's the significance of quoting</p> <p>14 him in your affidavit?</p> <p>15 A. Well, you know, he was not described</p> <p>16 as a very stable person anyway. And, of</p> <p>17 course, when they stripped him of his title</p> <p>18 and, of course, he said -- well, Dr. --</p> <p>19 Dr. Ritvoe said I hope this is over soon. And</p> <p>20 he said, well, it may be over sooner than you</p> <p>21 think.</p> <p>22 But he also said that he would not</p> <p>23 be fired from the university. In fact, he</p> <p>24 said that in a meeting with Dr. Lawal and</p> <p>25 Ms. Ellison. But the only reason I mention</p>



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<p style="text-align: center;">101</p> <p>1 that is that he said he was going home and he 2 was going to get drunk. 3 Q. Did you attach any significance to 4 that remark? 5 A. Not really, that he might -- yeah, 6 he may go home and hurt himself. 7 Q. By getting drunk? 8 A. Or doing something else could lead 9 from getting drunk. 10 Q. Ms. Ward, look in paragraph six 11 again. 12 A. Okay. 13 Q. And you talk about during the 14 meeting Ritvoe addressed the allegations 15 that -- I assume you're referring to Cynthia 16 Ellison's allegations? 17 A. Yes. 18 Q. And the investigation that had been 19 completed and the university's 20 recommendations. What do you mean by the 21 university's recommendations? 22 A. The university had recommended that 23 he go for some training. He had to tell them 24 what he was going to do. And he was going to 25 go for some training in order to help him deal</p>	<p style="text-align: center;">103</p> <p>1 A. I don't know if he ever got them -- 2 if he ever complied, though. I doubt it. 3 Q. Why do you doubt it? 4 A. Because when he was -- when I came 5 back to work, Ms. Foster said he wasn't here 6 at the office. He was taking leave most of 7 the time. And I think he was retaliating. He 8 didn't -- he probably didn't think he needed 9 to. 10 Q. Do you know why he was on leave? 11 A. Well, just being -- just going 12 against policy to want to do. He didn't want 13 to come back and work since he was no longer 14 head of that department, the chair of that. 15 Q. Are you suggesting that his medical 16 leave was bogus? 17 A. Somewhat. 18 Q. Do you have any factual 19 substantiation of that? 20 A. No, I don't. I don't. 21 Q. All right. Now, in paragraph seven, 22 you refer to the complaints that Cynthia 23 Ellison had made previously against 24 Dr. Mahaffy in 2003 and 2004. Do you see 25 that?</p>
<p style="text-align: center;">102</p> <p>1 with some issues which would be, I guess 2 discrimination. 3 Q. So they weren't recommendations, 4 were they? They were orders? 5 A. Right. More or less. 6 Q. Well, they were orders, weren't 7 they? 8 A. Uh-huh. 9 Q. Were they not? 10 A. Uh-huh. 11 Q. Yes? 12 A. Yes. 13 Q. Mahaffy had to fulfill the terms 14 of -- 15 A. He was supposed to. 16 Q. Did you see the letter that Roger 17 Ritvoe provided to him after the meeting which 18 set out the obligations that Mahaffy had to 19 fulfill? 20 A. I think I did. I don't remember. 21 Q. There was more to it than simply 22 getting some training. 23 A. Oh, yeah. Oh, yes. But I don't 24 remember. This was a lengthy letter. 25 Q. Okay.</p>	<p style="text-align: center;">104</p> <p>1 A. Uh-huh. I do. Yes. 2 Q. Are those the complaints we talked 3 about earlier having to do with paragraph 4 four? 5 A. About describing Chris Mahaffy and 6 what he was -- the complaints regarding him. 7 Q. Well, I'm trying to figure out what 8 you're referring to in paragraph seven. Are 9 those complaints that you and I have already 10 discussed in this deposition or are they 11 different ones? 12 A. They are. They basically -- they 13 are the ones that we discussed. 14 Q. That we talked about earlier? 15 A. But there was another situation, 16 too, that included a Barbara Ware. 17 Q. Okay. 18 A. There was some discussion with 19 Barbara Ware which, you know, she was a 20 secretary to Mahaffy, as Allison Stevens was. 21 Well, there was a rift between Ms. Ellison and 22 her. And even Debra and them think that 23 Mahaffy instigated that. And she said that 24 Ms. Ellison was just trying to do her job. 25 That's what Ms. Ellison told me. And that was</p>



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<p style="text-align: center;">105</p> <p>1 another factor. But I think it was soon 2 solved. 3 Q. Were you involved at all in that 4 tempest? 5 A. No. Thank God. 6 Q. You don't have any personal 7 knowledge about that, do you? 8 A. Just what Debra told me. 9 Q. Okay. Other than the Barbara Ware 10 incident, are there any other difficulties or 11 complaints that you're referring to in 12 paragraph seven that we haven't already spoken 13 about? 14 A. No. 15 Q. Okay. Did you know Barbara Ware? 16 A. No more than just -- 17 Q. You knew who she was? 18 A. Yes. Uh-huh. 19 Q. She was Cynthia Ellison's co-worker, 20 was she not? 21 A. Right. She worked in the School of 22 Sciences and she was the secretary to 23 Mr. Mahaffy -- Dr. Mahaffy and Cynthia worked 24 with all of them. 25 Q. And Allison Stevens also had been</p>	<p style="text-align: center;">107</p> <p>1 know, this is the way it is. This is all -- 2 this -- I mean, there's got to be a 3 difference, informal and formal. And the 4 formal means that this is a formal complaint 5 that I'm lodging. This isn't just something 6 that I'm just saying. 7 Q. Do you think it has more to do with 8 just the apparent seriousness of -- 9 A. I do. I do. I do. 10 Q. You mean griping on one hand, you 11 wouldn't consider that to be a formal 12 complaint? 13 A. No. And especially if you get 14 people that you know are always running to the 15 office. But you can't take anything lightly. 16 But by the same token, you've got to be able 17 to differentiate, you know, if this is someone 18 who's just wanting to come over. 19 I used to have employees just come 20 tell me, Ms. Ward, I just want you to listen 21 to me. I'd close the door. They'd sit and 22 they'd gripe for about 30 minutes. And then 23 they'd get up and say thank you for listening. 24 Q. That's not a formal complaint? 25 A. No, sir.</p>
<p style="text-align: center;">106</p> <p>1 Mahaffy's secretary? 2 A. Also had. Yes, sir. Yes, sir. 3 Q. So Allison Stevens and -- 4 A. Barbara Ware. 5 Q. -- Cynthia Ellison were, again, 6 co-workers? 7 A. Yes. 8 Q. In other words, Allison Stevens 9 didn't supervise Cynthia Ellison? 10 A. No. No. Cynthia was the dean's 11 secretary. So all the other secretaries sort 12 of had a reporting structure, you know -- 13 Q. To her? 14 A. -- up the line. Yes, sir. In fact, 15 she did most of their payroll information and 16 helped them as she did with others throughout 17 the campus. 18 Q. What's the difference between a 19 formal complaint as you refer to it in your 20 affidavit and any other complaint? 21 A. Well, a complaint just might be 22 someone coming in to say, well, I'm just 23 lodging a complaint and it's without real 24 cause or something. I don't know. But I 25 think when it's formal it's more that, you</p>	<p style="text-align: center;">108</p> <p>1 Q. Okay. And you treat them 2 differently, do you not? 3 A. Well, I don't treat anybody 4 differently. I listen to everyone. 5 Q. No, no. I'm sorry. 6 A. What do you mean? 7 Q. The complaint itself. 8 A. Yes, sir. 9 Q. You wouldn't necessarily trigger the 10 procedures for investigating griping, would 11 you? 12 A. I wouldn't. 13 Q. To a certain extent, you have to use 14 your discretion to determine -- 15 A. Yes, sir. 16 Q. -- differentiate among the types of 17 complaints people are making? 18 A. Yes, sir. I would. 19 Q. Okay. 20 A. I know there were some people that 21 would come in and they would just want to talk 22 in confidentiality and they said I just want 23 you to listen to this. And, of course, the 24 former director, she would say, well, what did 25 that person talk about. I would say they came</p>



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<p style="text-align: center;">109</p> <p>1 to me in confidence. I can't disclose it. We</p> <p>2 respected each other to that point that I</p> <p>3 didn't.</p> <p>4 Q. Look at paragraph eight of your</p> <p>5 affidavit, please.</p> <p>6 A. Yes, sir.</p> <p>7 Q. You say that Ms. Ellison retired</p> <p>8 with a wonderful work record and honor.</p> <p>9 A. Yes, sir.</p> <p>10 Q. Can you tell me what you mean by</p> <p>11 that?</p> <p>12 A. You know, her work record was</p> <p>13 impeccable on this campus because other</p> <p>14 secretaries looked up to her so much. I would</p> <p>15 talk with some of them and they'd say, well,</p> <p>16 wait a minute -- especially when -- and I</p> <p>17 didn't get a lot into a lot of the HR payroll</p> <p>18 entry and all of that. To be honest, I didn't</p> <p>19 deal with that.</p> <p>20 Q. Right.</p> <p>21 A. But they would call and say I'm</p> <p>22 going to call Cynthia Ellison because I trust</p> <p>23 her and I want to know what she's doing if</p> <p>24 they had a new system or something. And as</p> <p>25 far as I know, her reputation has been</p>	<p style="text-align: center;">111</p> <p>1 A. Adrienne Giles.</p> <p>2 Q. I'm sorry?</p> <p>3 A. Adrienne Giles.</p> <p>4 Q. And where does she work?</p> <p>5 A. She works over in Liberal Arts, I</p> <p>6 believe. She's the dean over -- the second to</p> <p>7 the dean over there. And let me see. I don't</p> <p>8 know. But a lot of the secretaries.</p> <p>9 Q. Can you think of any other</p> <p>10 identities other than those two?</p> <p>11 A. Let me see. Janice Strane is gone</p> <p>12 now. Janice -- Janice, she retired, too.</p> <p>13 So -- those two I know would speak highly of</p> <p>14 Cynthia.</p> <p>15 Q. Okay. Look at paragraph nine --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- talking about her -- that she was</p> <p>18 subjected to a racially hostile environment.</p> <p>19 What do you mean by that?</p> <p>20 A. I believe that because of the</p> <p>21 fact -- by that I mean she was placed over</p> <p>22 there. She was over there and Chris Mahaffy</p> <p>23 was doing all these things and it went on for</p> <p>24 at least a year, year and a half. And nothing</p> <p>25 was done about that.</p>
<p style="text-align: center;">110</p> <p>1 impeccable.</p> <p>2 Q. Okay. So when you say that she had</p> <p>3 a wonderful work record and honor, are you</p> <p>4 basing that on what you think other</p> <p>5 secretaries thought of her and what they told</p> <p>6 you and that sort of thing?</p> <p>7 A. Well, some of what I know. Because</p> <p>8 I worked -- in my position, there were -- I</p> <p>9 had to monitor faculty positions. I kept</p> <p>10 information as far as EEO that I could pass on</p> <p>11 to Debra when she would have to do her</p> <p>12 affirmative action report.</p> <p>13 I would have to call Ms. Ellison as</p> <p>14 I would in the normal course of my job. I</p> <p>15 would have to call other secretaries and ask</p> <p>16 them things and if deans had to sign off on</p> <p>17 information. So sometimes she would follow</p> <p>18 that up for me.</p> <p>19 Q. Okay.</p> <p>20 A. Those kind of things.</p> <p>21 Q. Can you identify the secretaries who</p> <p>22 you're referring to?</p> <p>23 A. Okay. Jan Hargrove would be one.</p> <p>24 She is over the School of Science.</p> <p>25 Q. Anybody else?</p>	<p style="text-align: center;">112</p> <p>1 So in all this time, she had to be</p> <p>2 under duress. She -- I mean, from what she</p> <p>3 explained to me. It wasn't that she wasn't</p> <p>4 performing her job, but it was under stress.</p> <p>5 And she had to be because she was in</p> <p>6 that hostile environment with him walking</p> <p>7 around, not knowing what he was going to do,</p> <p>8 if he was going to go off, if he was going to</p> <p>9 attack her.</p> <p>10 To me, that's what a hostile</p> <p>11 environment situation would be.</p> <p>12 Q. I understand that. Do you call it a</p> <p>13 racially hostile environment because he's</p> <p>14 white and she's black?</p> <p>15 A. He's white and she's black plus his</p> <p>16 secretary called her a nigger.</p> <p>17 Q. Do you think he had anything to do</p> <p>18 with that?</p> <p>19 A. Yes.</p> <p>20 Q. Why?</p> <p>21 A. Because of the way he would act</p> <p>22 toward Cynthia. I think, in fact, he had</p> <p>23 something to do with the fallout between the</p> <p>24 both of them, Barbara Ware and Allison</p> <p>25 Stevenson.</p>



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1 Q. Let's stick with Allison for a
2 second.

3 A. Okay.

4 Q. Do you think that Chris Mahaffy
5 instructed Allison Stevens --

6 A. Oh, no. I don't think he instructed
7 her, no. I don't think he instructed her to
8 call her a nigger. I think that was maybe
9 just her demeanor.

10 But I don't think Chris Mahaffy --
11 once he found out that there was some
12 bickering between the two of them, I don't
13 think he did anything to help deter it.

14 Q. Okay. Do you know what the -- in HR
15 terms, do you know what the standard is for --
16 for establishing that a hostile environment
17 exists?

18 A. Well, whether it's HR terms or not,
19 I think the hostile environment would be any
20 situation that someone is put in that they are
21 feared, that they are being ridiculed against,
22 and to me, that would create a hostile
23 environment, whether it's in HR terms or not,
24 sir.

25 Q. Okay. I asked you that earlier and

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1 I apologize for repeating myself.

2 A. That's all right.

3 Q. I have that infirmity sometimes.
4 And you say in paragraph nine that hostile
5 environment resulted in her early retirement.

6 A. Well, yes. It did. Because at that
7 point, by that time, Ms. Ellison had also
8 shared with me that Dr. Lawal had did a
9 380-degree turn on her and they were -- when
10 he first came to talk to Ms. Foster and I, he
11 wanted his complaint aligned with
12 Ms. Ellison's.

13 Then after our meeting with
14 Dr. Ritvoe, he, Ms. Ellison and Dr. Ritvoe and
15 I, we met. And after, I guess, they had
16 worked with this solution with Dr. Mahaffy --
17 because he had planned to retire -- I mean, to
18 leave. I'm surprised he's still here if he
19 is. Because when he spoke with us, he was so
20 emphatic about their going together.

21 And I know when he came and was
22 hired, sir, in 2004, that Ms. Ellison said
23 that she was going to stay with him. She
24 drove he and his wife around looking for a
25 home. She was very loyal to him.

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1 And she wanted to stay with him for
2 another two years before she retired. Because
3 I would ask her. I would say, well, when are
4 you retiring. You've been here for a long
5 time now. Are you thinking about it? She
6 said not now, but I want to maybe in about a
7 couple of years. I don't want to leave
8 Dr. Lawal, you know, alone. I want to stay
9 until he gets settled in.

10 Well, I don't know what happened
11 there. But what I knew the next thing, sir,
12 it was a phone -- Debra came into my office.
13 It was around the 14th of February. And she
14 said to me that Dr. -- that they had accused
15 Cynthia, I believe, of shredding information.
16 And I said that's not true. I said she would
17 not stoop so low.

18 So then after that -- I mean, I was
19 busy at my desk. And Debra had sent me an
20 e-mail to the effect -- well, she knew I
21 didn't read my e-mail a lot of times right
22 away because I was busy doing other things
23 when I entered my office. But I did. You
24 know, we talked about it.

25 So the next thing I knew, that was

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1 when Cynthia -- that was the first time they
2 provided, sir, some security for her. Because
3 the chief of police came by my office that
4 same day. And I said did y'all -- ever get
5 security for Cynthia and she said no. She
6 said but we were called today. And I said
7 really. She said I kept asking why, but
8 nobody ever told me why. I said, well, why do
9 you need to know it, just -- you know, just
10 because a person needs security. We've always
11 called, said I need security and in the past,
12 y'all have given it to us. She said because
13 we have to do a statement to say what it's
14 for. And I said, oh, when did that start
15 happening.

16 So, anyway, I left it alone. And
17 she said but we gave -- we went over there
18 today. And by then, word was out that Dr.
19 Bayo Lawal had accused Ms. Ellison of
20 shredding documents. Well, you know, I shred
21 my applications after a year or two, but there
22 is information within the schools that I'm
23 sure they can shred.

24 So then at that point, Dr. Lawal had
25 started. She had told me about him. He had



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<p style="text-align: center;">117</p> <p>1 started treating her differently, told her not 2 to come in his office, not to read his mail. 3 So I don't know what happened there. But the 4 final analysis to that was that he didn't want 5 her around. And, of course, after they 6 accused her of shredding the documents, I 7 guess she felt that she had no other -- she 8 left. 9 Q. So -- 10 A. So she was still in a hostile 11 environment. 12 Q. And that hostile environment was 13 created by Bayo Lawal? 14 A. Well, he just added to it. 15 Q. And that environment was hostile 16 because he had accused her of shredding the 17 documents? 18 A. Well, I think that there are other 19 factors, sir, that I'm not at all sure what 20 they were, but I know she started having some 21 problems with him too after that meeting that 22 we had with Dr. Ritvoe. And he was apparently 23 somewhat satisfied because of what had 24 happened to Dr. Mahaffy at that point. 25 Because he was no longer head of that -- chair</p>	<p style="text-align: center;">119</p> <p>1 seminars and people would come out and, you 2 know, I would say are you thinking about 3 retiring now. Sometimes I would; sometimes I 4 wouldn't. 5 Q. Okay. 6 A. It's only uncommon if you use it in 7 certain ways. 8 Q. And you wouldn't take -- you didn't 9 take offense at those kind of questions to 10 you, did you? 11 A. It all depends on the circumstances. 12 Q. I mean the ones you just referred to 13 when people would ask you. 14 A. No, when someone just asked me if I 15 had a problem and I thought it was going to be 16 a problem and they said, well, when are you 17 retiring, yeah, that would be offensive. 18 Q. So I guess it depends on how you 19 interpret the question, right, as to whether 20 it's offensive or not? 21 A. It all depends on the circumstances 22 around the question. 23 Q. Now, Ms. Ward, is it your testimony 24 that from fall of 2004 -- 25 A. Yes, sir.</p>
<p style="text-align: center;">118</p> <p>1 of that department. And I guess he had -- 2 his -- he was satisfied and that maybe had 3 been his resolve for that. I don't know. 4 Q. Did Cynthia Ellison ever criticize 5 you for asking her when she intended to 6 retire? 7 A. No. No. That wasn't -- I mean, I 8 asked a lot of people that. We were all -- of 9 course, I didn't have the years, but I had the 10 age. Cynthia had the years. And, you know, 11 like I said, I would have stayed a little bit 12 longer myself. I would have loved to have 13 stayed until I reached full retirement age, 14 but, you know, so be it. 15 Q. It's not an uncommon question around 16 here to ask when are you going to retire? 17 A. Oh, no, sir. No, sir. Well, it 18 would be if people would just -- you know, I 19 mean, we didn't do it all the time, you know, 20 like Ms. Foster would say sometimes when 21 somebody would call and she felt that they 22 were going to be a headache, well, when are 23 they leaving, when are they going to retire, 24 you know, something like that. 25 But it was just when I would have</p>	<p style="text-align: center;">120</p> <p>1 Q. -- when Cynthia Ellison started 2 escorting Bayo Lawal and his wife around and 3 helping him get situated, from that date until 4 February 14th, you didn't have any discussions 5 with Cynthia Ellison about retirement or when 6 she intended to retire? 7 A. No. 8 Q. That's not your testimony? 9 A. No. Why would it be? 10 Q. I'm trying to clarify. That's what 11 I understood it to be. 12 A. About her retiring? She didn't have 13 any -- no, she said to me -- because she was 14 thinking about retiring at a later date. And 15 she said, but I'm not going to retire anytime 16 soon, Faye, because I want to stay here and 17 work with Dr. Lawal. 18 Q. That's what she told you in the fall 19 of 2004; right? 20 A. She told me that from the time he 21 came. 22 Q. When did he come? 23 A. I think he came in in August of 24 2004, I believe. I don't know. Debra 25 probably knows.</p>



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<p style="text-align: center;">121</p> <p>1 Q. From August 2004, that's what 2 Cynthia Ellison was telling you about her 3 retirement time? 4 A. Well, she didn't -- it wasn't just 5 an in-depth conversation about it. 6 Q. I understand. 7 A. She just said that she wanted to 8 stay with him until he became acclimated to 9 the School of Sciences and the duties and 10 everything so she as a secretary to him could 11 perform in the manner to help him. 12 Q. Okay. And from that time until she 13 came to you on February 14th, you believed 14 that she still intended to remain a couple of 15 years -- 16 A. Yes. 17 Q. -- until -- 18 A. Absolutely. Absolutely. 19 Q. Okay. You know Don Yancey, don't 20 you? 21 A. I do. 22 Q. How long have you known him? 23 A. Well, I met him in about 1989 when I 24 came to work. 25 Q. What is his job?</p>	<p style="text-align: center;">123</p> <p>1 form, take down to their bank, come back, do 2 the application, and I would notarize it and 3 send it with the payroll information. 4 Q. Okay. And that's what you did with 5 Cynthia Ellison when she retired? 6 A. Retired, yes, sir. 7 Q. Now, did you contact Don Yancey in 8 September 2004 to find out what Cynthia 9 Ellison's retirement benefits would be if she 10 retired on December 1st, 2004, and what they 11 would be if she retired on July 1st, 2005? 12 A. Why I would do that? That wasn't my 13 business. 14 Q. Well, I'm just asking you if you did 15 it. 16 A. No, sir. No. I didn't do anybody 17 that way. I would refer them to take care of 18 their own business. 19 Q. Did you contact Don Yancey on 20 January 4th, 2005, to see what Cynthia 21 Ellison's retirement benefits would be if she 22 retired on April 1st, 2005? 23 A. No, sir. No, sir. 24 Q. So, if Don Yancey testified to that, 25 he would be incorrect?</p>
<p style="text-align: center;">122</p> <p>1 A. He's a retiree. Alabama teacher's 2 retiree rep. I know he is. He's a big name 3 down there. 4 Q. And you've contacted him on 5 different occasions to have him calculate 6 retirement benefits for employees if they -- 7 beginning on a certain date based on their 8 years of service and age, haven't you? 9 A. Okay. Sir, what I've done as far as 10 my contact with Mr. Yancey about other 11 employees, I refer them to him. 12 Now, when I was ready to retire, I 13 went down personally to talk with him. I 14 would recommend to employees if you need to 15 know, go talk to Mr. Yancey. 16 The process, they go talk to him 17 first. They come back to HR. I give them -- 18 I do a two-part interview. I give them a 19 sheet to take to their bank and they have 20 to -- need to do that processing within 60 21 days because we need to get information to 22 Auburn University payroll office in a timely 23 manner. 24 So, therefore, I would conduct 25 two -- a two-part interview. Give them the</p>	<p style="text-align: center;">124</p> <p>1 A. Well, I didn't. I didn't contact 2 Don Yancey about anyone. In most cases, I 3 would refer the person to Don Yancey and they 4 would do what they have to do. 5 Q. Okay. 6 A. And if they had leave time, they 7 would use their leave time to take them 8 through. 9 Q. So you had no contact with -- you've 10 never had any contact with Don Yancey about 11 Cynthia Ellison's retirement benefits? 12 A. Not to my recollection. No, indeed. 13 Not to my recollection. I don't know why I 14 would have had to. 15 Q. Do you recall when you signed off on 16 Cynthia Ellison's retirement papers? 17 A. No, I don't remember the specific 18 date, but I know I did. 19 Q. Do you remember if it was before 20 February 14th or after? 21 A. Well, if she left -- it might have 22 been before. Like I said, I don't want to get 23 into giving you a specific date because I 24 don't remember. I know I gave her the form to 25 take to her bank and she brought that back and</p>



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Faye Ward

June 14, 2006

<p style="text-align: center;">125</p> <p>1 I know that I did the application. And I had 2 to sign off on it. 3 Q. Let me show you a document that's 4 been introduced in this case -- 5 A. Okay. 6 Q. -- identified in this case already 7 called the Teachers's Retirement System of 8 Alabama application for retirement? 9 A. Uh-huh. 10 Q. And is this your signature on it? 11 A. Yes, it is. 12 Q. Is this Cynthia Ellison's 13 application for retirement? 14 A. It is. 15 Q. And did you notarize that document? 16 A. I did. My name is on it. 17 Q. What's the date of your notary 18 public? 19 A. March 7th. That's -- my commission 20 expires on this date and I notarized it on the 21 11th day of February. 22 Q. So did Cynthia Ellison come to you 23 on February 11th to complete this paperwork? 24 A. She had to. We don't notarize it 25 unless the person is present.</p>	<p style="text-align: center;">127</p> <p>1 Q. Did he tell you what his complaint 2 was? 3 A. Well, he did -- Lawal wasn't -- 4 Chris was not giving him respect. I don't 5 know if he was threatening him, but I know 6 that he had very little control. He was going 7 around I believe talking about Dr. Lawal, that 8 he would not be a good leader, that he didn't 9 believe in him, and that the faculty was not 10 going to follow him. And that was said by 11 Dr. Glen Ray in a statement he made. In fact, 12 he was described by Dr. Moody as being a 13 bigot. 14 Q. Other than the complaints you may be 15 aware of from Cynthia Ellison and Bayo Lawal 16 -- 17 A. Yes, sir. 18 Q. -- do you know of any complaints 19 from anyone at AUM concerning Chris Mahaffy 20 threatening to strike anyone? 21 A. No, sir. I don't. 22 Q. Do you know of any complaints from 23 anyone at AUM about Chris Mahaffy threatening 24 physical violence? 25 A. No, sir. I don't.</p>
<p style="text-align: center;">126</p> <p>1 Q. Do you know if Cynthia Ellison had 2 given notice of her retirement any earlier 3 than February 11th to her dean? 4 A. I don't know. 5 Q. I know you told me that you weren't 6 directly involved with the Allison Stevens 7 incident. 8 A. Yes, sir. 9 Q. But do you know if Allison Stevens 10 had ever been accused of using racially 11 insensitive language or exhibiting racially 12 insensitive behavior at AUM before that point? 13 A. No, I don't. 14 Q. Do you know if anyone other than 15 Cynthia Ellison has accused Chris Mahaffy of 16 engaging in any type of racially insensitive 17 behavior or using racially insensitive 18 language? 19 A. Well, Dr. Lawal. He had the same 20 complaint as Cynthia had. 21 Q. That's your understanding? 22 A. Uh-huh. He had a complaint. When 23 it started out, he said he wanted his 24 complaint to be aligned with Cynthia for 25 whatever it was.</p>	<p style="text-align: center;">128</p> <p>1 Q. How about intimidating anyone? 2 A. I don't. 3 Q. Do you know if there are any 4 complaints other than -- strike that, please. 5 Do you know of any complaints about Chris 6 Mahaffy verbally threatening anyone? 7 A. No, I don't. 8 Q. Do you know if Chris Mahaffy has a 9 history of any physical violence? 10 A. No, I'm not aware. 11 Q. Do you know if he's ever been 12 accused of any sort of inappropriate touching? 13 A. I don't know, but when he was let 14 go, it wasn't because of -- from my 15 understanding, it had nothing to do with 16 Cynthia Ellison's allegation. I think it had 17 something to do with improper conduct on Chris 18 Mahaffy's part that even reached the heights 19 to Auburn University. That's my 20 understanding. I don't know now. 21 Q. That was after Cynthia Ellison had 22 retired, was it not? 23 A. Right. Right. 24 Q. Has anyone ever asked you to provide 25 them with any sort of security because of fear</p>



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<p style="text-align: center;">129</p> <p>1 of Chris Mahaffy?</p> <p>2 A. Mrs. Ellison.</p> <p>3 Q. Other than Cynthia Ellison. We've</p> <p>4 talked about that.</p> <p>5 A. No. No.</p> <p>6 Q. Have you been involved in any other</p> <p>7 internal claims of harassment at AUM during</p> <p>8 the time you were in the human resources</p> <p>9 office?</p> <p>10 A. No. Like I said, that was -- the</p> <p>11 director always handled those. In fact, we</p> <p>12 didn't have a lot of cases during that time</p> <p>13 anyway. We put fires out.</p> <p>14 Q. I'm sorry?</p> <p>15 A. We didn't have a lot of cases during</p> <p>16 that -- during that reign because we put fires</p> <p>17 out as much as we could.</p> <p>18 Q. Instead of starting them?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Is that your saying?</p> <p>21 A. That's my belief. That's what I</p> <p>22 know.</p> <p>23 Q. I've heard that several times in</p> <p>24 this lawsuit.</p> <p>25 A. It costs the university money.</p>	<p style="text-align: center;">131</p> <p>1 went?</p> <p>2 Q. Yeah.</p> <p>3 A. Well, I think that if things would</p> <p>4 have been handled in some ways -- like, she</p> <p>5 only wanted to know the status of her</p> <p>6 investigation. They were letting Chris</p> <p>7 Mahaffy at a point know.</p> <p>8 And, of course, at the time -- and I</p> <p>9 think she came to our office in January, and</p> <p>10 she wanted to know where we were with it. And</p> <p>11 we had a meeting with Ms. Foster and she in my</p> <p>12 office. And she said she wanted to know from</p> <p>13 Ms. Foster if she believed that she was</p> <p>14 telling the truth. She wanted to know.</p> <p>15 Ms. Foster came in and told her she</p> <p>16 wasn't going to get the attorney, who I guess</p> <p>17 was Tom Rebel -- that she was not going to get</p> <p>18 any constructive discharge pay and all that.</p> <p>19 And I thought -- because Mr. Rebel had said</p> <p>20 for Cynthia to call over to the office.</p> <p>21 Ms. Foster said she wasn't calling over there.</p> <p>22 She said I don't want to talk to her.</p> <p>23 So I said, well, you've got to do</p> <p>24 what the attorneys say for you to do. You</p> <p>25 need to call over and talk to her. She said</p>
<p style="text-align: center;">130</p> <p>1 Q. Do you have any complaints about the</p> <p>2 manner in which AUM investigated Cynthia</p> <p>3 Ellison's complaints against Mahaffy beginning</p> <p>4 in December 2004?</p> <p>5 A. Do I have what, sir?</p> <p>6 Q. Any complaints about the manner in</p> <p>7 which the university investigated her</p> <p>8 complaints.</p> <p>9 A. Well, I looked at the time factor</p> <p>10 when Ms. Ellison first started complaining,</p> <p>11 sir, and I thought that that timeframe was</p> <p>12 extensive, when it could have been -- now,</p> <p>13 that's what I'm saying to you. That's my</p> <p>14 personal observation. It could have been</p> <p>15 handled a little bit quicker. I think they</p> <p>16 could have gotten to the investigation a</p> <p>17 little bit faster.</p> <p>18 Q. Are you talking about in December</p> <p>19 2004?</p> <p>20 A. In December and January. Yes, sir.</p> <p>21 Q. Other than the duration of the</p> <p>22 investigation, do you have any complaints</p> <p>23 about it?</p> <p>24 A. Well, I think that she -- you know,</p> <p>25 you mean the investigation itself and how it</p>	<p style="text-align: center;">132</p> <p>1 I'm going to send her two paragraphs and let</p> <p>2 her know. Well, she came over and met in my</p> <p>3 office and when she asked her what -- did she</p> <p>4 believe her, Ms. Foster got up and walked out</p> <p>5 of the room, said you can call the attorney</p> <p>6 and ask him whatever you want to know. She</p> <p>7 gave her Tom Rebel's phone number. That was</p> <p>8 inappropriate to me. At that time, she wasn't</p> <p>9 even going to seek an attorney.</p> <p>10 Q. The investigation wasn't over at</p> <p>11 that point, was it?</p> <p>12 A. The investigation had started</p> <p>13 because we had talked to several people.</p> <p>14 Q. Right. But it wasn't over?</p> <p>15 A. And at that point -- no, it was not</p> <p>16 over, but there was enough information.</p> <p>17 Sometimes when you -- I feel --</p> <p>18 well, that's not important what I feel. But</p> <p>19 in handling HR cases or any kind of cases when</p> <p>20 you're dealing with the people, you have to</p> <p>21 find a happy medium to pacify people before</p> <p>22 they take it to the max degree.</p> <p>23 And in this -- at this point, I</p> <p>24 think if we had just been able to supply her</p> <p>25 with something to tell her -- I could have</p>



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<p style="text-align: center;">133</p> <p>1 very easily said to her, you know, maybe I 2 believe you, maybe I don't, but we're doing 3 what we can to rectify this situation. 4 Q. You wouldn't -- in an investigation, 5 you typically wouldn't want to make a 6 credibility determination until the 7 investigation was over, would you? 8 A. Well, you might not want to do that 9 too, but you'd find some comfort zone that you 10 can put that employee in. Because I think if 11 that had been provided to her, she would 12 not -- we wouldn't be here today. 13 Q. Is that the only criticism you have 14 in the manner in which the investigation was 15 conducted? 16 A. That's all I have. 17 Q. And so the only thing you would have 18 done differently was to try to respond to that 19 inquiry? 20 A. I would have tried to handle it a 21 different way in order to try to work with the 22 employee to let them do -- I would have 23 investigated. I would have done it in a much 24 faster manner and I wouldn't have said, well, 25 she makes me sick, what's she want now, when</p>	<p style="text-align: center;">135</p> <p>1 the duties contained in it and the duties that 2 you outline for us in your affidavit? I mean, 3 anything that jumps off the page at you? 4 A. In what way? 5 Q. In any way. I think they're 6 consistent. 7 A. No. Huh-uh. It's accurate. 8 MR. DODD: Ms. Ward, I have no 9 further questions for you and I thank you 10 for your time today. 11 THE WITNESS: Okay. Thank you, sir. 12 MS. RODGERS: I have no questions. 13 (Whereupon, the deposition was 14 concluded at 11:55 a.m.) 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">134</p> <p>1 is she retiring. 2 Q. Have you ever been involved in any 3 lawsuits? 4 A. No, I haven't. 5 Q. You've never been to jail, have you? 6 A. Huh-uh. 7 Q. Ever been arrested? 8 A. No, I haven't. 9 MR. DODD: Bonnie, can we mark this? 10 (Defendant's Exhibit-4 was marked 11 for identification.) 12 Q. (By Mr. Dodd) Ms. Ward, here's 13 defendant's exhibit four. See if you can 14 identify that for me, please. 15 A. Oh. It's a job description. 16 Q. For your position? 17 A. Yes. 18 Q. And that's your signature at the 19 bottom dated May 17th, 2001? 20 A. It is. 21 Q. Are you pretty familiar with this 22 job description, fairly familiar with it? 23 A. I am. 24 Q. Do you know of anything that's 25 inconsistent between this job description and</p>	<p style="text-align: center;">136</p> <p>1 DESCRIPTION OF EXHIBITS 2 3 EXHIBIT IDENTIFICATION 4 1 Letter to Dr. Ritvoe 5 2 Affidavit 6 3 Employment Application 7 4 Job Description 8 9 10 (Original exhibits attached to the 11 Original transcript.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>



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<p style="text-align: center;">137</p> <p>1 STATE OF GEORGIA: 2 COUNTY OF FULTON: 3 I hereby certify that the foregoing 4 transcript was reported, as stated in the 5 caption, and the questions and answers 6 thereto were reduced to typewriting under my 7 direction; that the foregoing pages represent 8 a true, complete, and correct transcript of 9 the evidence given upon said hearing, and I 10 further certify that I am not of kin or 11 counsel to the parties in the case; am not 12 in the employ of counsel for any of said 13 parties; nor am I in any way interested in 14 the result of said case. 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">139</p> <p>1 CAPTION 2 The Deposition of FAYE WARD, taken 3 in the matter, on the date, and at the time and 4 place set out on the title page hereof. 5 It was requested that the deposition be taken 6 by the reporter and that same be reduced to 7 typewritten form. 8 It was agreed by and between counsel and the 9 parties that the Deponent will read and sign the 10 transcript of said deposition. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">138</p> <p>1 Disclosure Pursuant to Article 2 8(B) of the Rules and Regulations of the 3 Board of Court Reporting of the Judicial 4 Council of Georgia, I make the following 5 disclosure: 6 I am a Georgia Certified Court 7 Reporter, here as a representative of 8 Alexander Gallo & Associates, L.L.C., 9 to report the foregoing matter. Alexander 10 Gallo & Associates, L.L.C., is not taking 11 this deposition under any contract that is 12 prohibited by O.C.G.A. 5-14-37 (a) and 13 (b). 14 Alexander Gallo & Associates, 15 L.L.C., will be charging its usual and 16 customary rates for this transcript. 17 18 19 20 21 BONNIE L. SMITH, RPR CCR-B-2432 22 23 24 25</p>	<p style="text-align: center;">140</p> <p>1 CERTIFICATE 2 STATE OF : 3 COUNTY/CITY OF : 4 Before me, this day, personally appeared, 5 FAYE WARD, who, being duly sworn, states that the 6 foregoing transcript of his/her Deposition, taken in the 7 matter, on the date, and at the time and place set out 8 on the title page hereof, constitutes a true and accurate 9 transcript of said deposition. 10 _____ 11 FAYE WARD 12 13 SUBSCRIBED and SWORN to before me this 14 _____ day of _____, 2006 in the 15 jurisdiction aforesaid. 16 17 _____ 18 My Commission Expires Notary Public 19 20 *If no changes need to be made on the following two pages, 21 place a check here _____, and return only this signed page.* 22 23 24 25</p>



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Faye Ward

June 14, 2006

<p style="text-align: center;">141</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 RE: Alexander Gallo & Associates, L.L.C.</p> <p>3 File No. 13898</p> <p>4 Case Caption: CYNTHIA ELLISON</p> <p>5 vs. AUBURN UNIVERSITY MONTGOMERY</p> <p>6 Deponent: FAYE WARD</p> <p>7 Deposition Date: June 14, 2006</p> <p>8 To the Reporter:</p> <p>9 I have read the entire transcript of my Deposition taken</p> <p>10 in the captioned matter or the same has been read to me.</p> <p>11 I request that the following changes be entered upon the</p> <p>12 record for the reasons indicated. I have signed my name to</p> <p>13 the Errata Sheet and the appropriate Certificate and</p> <p>14 authorize you to attach both to the original transcript.</p> <p>15</p> <p>16 Page No. _____ Line No. _____ Change to: _____</p> <p>17 _____</p> <p>18 Reason for change: _____</p> <p>19 Page No. _____ Line No. _____ Change to: _____</p> <p>20 _____</p> <p>21 Reason for change: _____</p> <p>22 Page No. _____ Line No. _____ Change to: _____</p> <p>23 _____</p> <p>24 Reason for change: _____</p> <p>25</p>	<p style="text-align: center;">142</p> <p>1 Deposition of FAYE WARD</p> <p>2</p> <p>3 Page No. _____ Line No. _____ Change to: _____</p> <p>4 _____</p> <p>5 Reason for change: _____</p> <p>6 Page No. _____ Line No. _____ Change to: _____</p> <p>7 _____</p> <p>8 Reason for change: _____</p> <p>9 Page No. _____ Line No. _____ Change to: _____</p> <p>10 _____</p> <p>11 Reason for change: _____</p> <p>12 Page No. _____ Line No. _____ Change to: _____</p> <p>13 _____</p> <p>14 Reason for change: _____</p> <p>15 Page No. _____ Line No. _____ Change to: _____</p> <p>16 _____</p> <p>17 Reason for change: _____</p> <p>18 Page No. _____ Line No. _____ Change to: _____</p> <p>19 _____</p> <p>20 Reason for change: _____</p> <p>21</p> <p>22</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 FAYE WARD</p>
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